

PARC Community Partnership Foundation

Americans with Disabilities Act of 1990 (ADA) Policy and Procedures

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Introduction and Purpose

This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable state laws and regulations. *PARC operates vehicles on a variable demand basis based on activities scheduled and transportation needed for individuals whom PARC serves, to attend PARC.* PARC complies with ADA requirements with respect to such services.

Policy Statement

It is the policy of PARC to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. 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 PARC employees will not be condoned or tolerated.

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

1. provide safe, accessible, and 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.

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

Definitions:

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.

Demand Response Service: Operates as needed to transport individuals to designated locations and events or provide transportation to and from PARC. Schedules will vary.

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Securement Area or Station: A designated location for riders using wheelchairs, equipped with a securement system.

Securement Device, Equipment or System: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been 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.

Wheelchair: 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.

General Guidance and Procedures for Implementing Policy

Recruitment and Employment: As stated in PARCs personnel policies, the agency is an Equal Opportunity Employer (EOE) and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: PARC and its designated vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the State of Utah. If state requirements do not meet federal requirements, the federal ADA regulations prevail. Vehicles for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities.

PARC will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

Vehicle and Route Assignment:

The demand response system of PARC when viewed in its entirety, is accessible. All trips by wheelchair users will be assigned to accessible vehicles. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. Trip denials will be tracked by whether or not a rider requires use of the lift or ramp, to monitor that service is not disproportionately denied to individuals with disabilities because an accessible vehicle is not available. PARC provides service to individuals with disabilities, that is consistent with U.S. DOT ADA regulations under 49 CFR Part 37, Section 37.77. This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided other individuals with respect to:

- Geographic area of service
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information
- Any constraints on capacity or availability

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts, ramps and wheelchair securement devices, will be maintained in operative condition. The preventive maintenance program of PARC provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection.

Inoperative Lifts and Ramps: Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts will be removed from service and replaced with an accessible vehicle until the inoperative lift is repaired. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be (or is not) deployed manually, PARC will apply the policy for a vehicle with an inoperative lift.

Wheelchair Accommodation: All accessible vehicles meet or exceed the requirements of 49 CFR Part 38. Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), PARC will transport the device (and its user).

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, PARC staff are not required to operate a passenger's wheelchair. The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

Boarding: Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. Only a properly trained PARC staff can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

Wheelchair Securement: PARC requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

Securement of wheelchairs is the responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Drivers will listen to and respect riders' instructions on how to secure their equipment. Drivers cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer.

The rider may be in the best position to instruct the driver on how to properly secure their mobility device. If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride in the vehicle.

Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

Seat belts and shoulder harnesses are required for ALL passengers. Seat belts will never be used instead of independent securement of the passenger's wheelchair.

In cases where an individual using a wheelchair attempts to board and requires use of a securement location that is currently occupied by another passenger that is not using a wheelchair, the driver will ask that passenger to allow the individual using a wheelchair to use the securement position.

Driver Assistance: Drivers will make themselves available to assist individuals with disabilities and will assist upon request of the passenger. Drivers will assist a passenger with using the vehicle ramp, lift and/or securement systems using the accessibility-related equipment and features on their vehicles.

Use of Lift or Ramp by Individuals with Disabilities Not Using a Mobility Device:

The driver will deploy the lift or ramp for an individual with a disability who is not using a mobility device to board or alight the vehicle upon request.

Accommodation of Other Mobility Devices: Mobility devices that are not wheelchairs, but which are primarily designed to for use by individuals with mobility impairments, will be accommodated to the extent that the ADA- compliant lift or ramp and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Transfer to Fixed Seating: All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, wheelchairs users to transfer to fixed seating. No waivers are allowed to be required.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C.

Priority Seating: With the exception of the wheelchair securement stations, PARC does not require any passenger to sit in designated seating unless medically necessary or a safety issue for the individual or other passengers.

Service Animals: In compliance with 49 CFR Part 37, PARC allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control, or which becomes a direct threat to the health or safety of other passengers may be restricted from riding.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. Only the driver will unsecure the wheelchair and operate the lift or ramp to return the passenger to the ground level.

Staff Training: All drivers and PARC Community Integrated Services staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly and respectfully assisting and treating individuals with disabilities with sensitivity. Facilities staff are also trained to properly maintain lifts and other accessibility equipment.

Complaint Procedure: All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the Title VI Coordinator and promptly and objectively investigated. PARC will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. Documentation of each complaint will be kept on file for one year, and a record of all such complaints, which may be in summary form, for five years.

Reasonable Modification of Policy: If a passenger with a disability requires modification of any of PARC's policies and practices to accommodate their disability to use the service, the passenger may request such a modification by contacting the Title VI Coordinator. PARC will work with the individual to find an acceptable accommodation solution.

Where a request for modification cannot practicably be made and determined in advance operating personnel will make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with PARC leadership before making a determination to grant or deny the request.

Requests for modification of policies and practices may be denied only on one or more of the following grounds:

- Granting the request would fundamentally alter the nature of PARC's services, programs, or activities;
- Granting the request would create a direct threat to the health or safety of others;
- Without the requested modification, the individual with a disability is able to fully use PARC's services, programs, or activities for their intended purpose.

If PARC denies a request for a reasonable modification, the agency shall take, to the maximum extent possible, other actions (that would not result in a direct threat or fundamental alteration of service) to ensure that the individual with a disability receives the services or benefit provided by PARC.

Guidelines for Implementing Policy Specific to Demand Response Services

Service in the Most Integrated Setting: PARC's demand response transportation service is a shared-ride service. It is the policy of PARC to provide service for individuals with disabilities in the most integrated setting appropriate to the needs of the individual, including providing service to individuals with disabilities on the same vehicles and together with all other riders.

Service Characteristics: PARC shall ensure that individuals with disabilities receive the same level of service as individuals without disabilities. The demand response system of PARC's Community Integrated Services Program, when viewed in its entirety, provides an equivalent service to individuals with disabilities, including individuals who use wheelchairs, with respect to the following service characteristics:

- **Response time:** individuals with disabilities are not required to reserve services further in advance than other individuals.
- **Geographic area of service:** individuals with disabilities can use the service to travel to and from the same areas as other individuals.
- **Hours and days of service:** individuals with disabilities can use the service during the same days and hours as other individuals.
- **Restrictions or priorities based on trip purpose:** travel by individuals with disabilities is not restricted by trip purpose any more than travel by other individuals.

Passenger Assistance: Demand response services will be provided on a curb-to-curb [basis. PARC drivers will assist riders with disabilities in boarding and alighting from vehicles and in securing wheelchairs. All drivers who operate PARC vehicles will be proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

The staff of PARC will never leave a vehicle unattended or out of visual observation for a lengthy period of time or take actions that would be clearly unsafe. PARC drivers will assist all participants with getting in and out of the vehicle, assist with personal care issues, assist with wheelchair operations and or lift the participant as trained to do so if needed. PARC staff will provide assistance to the individual as determined necessary by their support coordinator, staff, family or guardians as long as the support is determined safe for PARC staff to perform within in the parameters of their job description. Any assistance determined to be unsafe will be discussed during the participants annual PCP meeting or sooner if need be and documented in the individuals record.