

City Utilities of Springfield Transit Fixed Route Bus Service ADA POLICIES & PROCEDURES

Updated December 15, 2017

ADA Regulations - 49 CRF

Section 37.163. Keeping vehicle ramp in operative condition: Public entities.

- (a) This section applies only to public entities with respect to lifts/ramps in non-rail vehicles.
- (b) The entity shall establish a system of regular and frequent maintenance checks of lifts/ramps sufficient to determine if they are operative.

Regular ADA ramp preventative maintenance is performed by City Utilities Fleet Maintenance's mechanics (every 6000 miles). Each bus operator is also responsible for completing a pre-trip inspection of all ADA equipment including cycling the ramp, inspecting securements, checking public-address system and automatic annunciators.

- (c) The entity shall ensure that vehicle operators report to the entity, by the most immediate means available, any failure of a lift/ramp to operate in service.

Any ramp failures should be immediately reported to the Transit Office via radio or cell phone.

- (d) Except as provided in paragraph (e) of this section, when a lift/ramp is discovered to be inoperative, the entity shall take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift/ramp is repaired before the vehicle returns to service.

In the event of an inoperable ramp, a spare vehicle will be dispatched, and the vehicle will be traded out. Except in case of an emergency, City Utilities will not operate a vehicle with an inoperable ramp.

- (e) If there is no spare vehicle available to take the place of a vehicle with an inoperable lift/ramp, such that taking the vehicle out of service will reduce the transportation service the entity is able to provide, the public entity may keep the vehicle in service with an inoperable lift for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift/ramp is discovered to be inoperative.

- (f) In any case in which a vehicle is operating on a fixed route with an inoperative lift/ramp, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the entity shall promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift/ramp does not work.

In the event all wheelchair positions are full and the headway to the next accessible vehicle on the route exceeds 30 minutes, CU Transit shall immediately dispatch alternative transportation to individuals with disabilities who are unable to use the vehicle due to no wheelchair space available.

Section 37.165. Ramp and securement use.

- (a) This section applies to public and private entities.
- (b) All wheelchairs and their users shall be transported in the entity's vehicles or other conveyances. The entity is not required to permit wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist.

For the safety of the wheelchair/scooter user and the safety of the other passengers, City Utilities (CU) Transit will not permit wheelchairs to ride in places other than designated securement locations in the vehicle.

(c)(1) For vehicles complying with **part 38** of this title, the entity shall use the securement system to secure wheelchairs as provided in that **Part**.

CU Transit requires all wheelchairs/scooters be secured with appropriate securement devices.

(2) For other vehicles transporting individuals who use wheelchairs, the entity shall provide and use a securement system to ensure that the wheelchair remains within the securement area.

(3) The entity may require that an individual permit his or her wheelchair to be secured.

CU Transit requires all wheelchair/scooters be secured with a four-point securement system. CU Transit strongly encourages but does not require passengers to utilize the lap belt and shoulder harness. Each customer in a wheelchair/scooter will be asked by the bus operator if they wish to use lap belt and shoulder harness. City Utilities will not allow a customer to ride if he/she refuses to allow the bus operator to secure their wheelchair/scooter using the available four-point securement system.

(d) The entity may not deny transportation to a wheelchair or its user on the grounds that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.

CU Transit will not deny transporting a wheelchair/scooter or its user because the wheelchair/scooter cannot be adequately secured or restrained using the available four-point securement system. In the event the bus operator feels that the wheelchair/scooter cannot be safely secured using the available four-point securement system, he/she will recommend to the customer that they not ride due to safety concerns, but also explain that CU Transit is not able to refuse service and the decision is ultimately up to the customer. Bus operators may also recommend the customer transfer to a vehicle seat if ability permits. In instances of wheelchairs/scooters in poor mechanical condition, CU Transit will transport if the wheelchair is sufficiently mobile, so it can be transported on a ramp and into the vehicle.

(e) The entity may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The entity may not require the individual to transfer.

CU Transit may recommend a user of a wheelchair/scooter to transfer to a vehicle seat if ability permits. CU Transit will not require an individual to transfer.

(f) Where necessary or upon request, the entity's personnel shall assist individuals with disabilities with the use of securement systems, ramps, and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.

CU Transit requires when necessary or upon request, the operator will assist individuals with disabilities with the use of the securement systems and ramps. If it is necessary for the operator to leave his/her seat to provide this assistance, they will do so.

(g) The entity shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle.

CU Transit bus operators will deploy the ramp when requested, including standees.

Section 37.167. Other service requirements.

(a) This section applies to public and private entities.

(b) On fixed route systems, the entity shall announce stops as follows:

(1) The entity shall announce at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.

(2) The entity shall announce any stop on request of an individual with a disability.

(c) Where vehicles or other conveyances for more than one route serve the same stop, the entity shall provide a means by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on a particular route.

CU Transit requires announcement of stops requested by a person with a disability as well as those designated by the transit system. All CU buses are equipped with automatic voice annunciators (AVA), which are programmed to announce at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location. In the event that AVAs are not functioning properly, bus operators shall manually announce stops via the public-address system. Passengers may also upon boarding, request that bus operator s announce a specific location that may or may not be included with automatic announcements. CU Transit bus operators will announce outside their bus or on external speakers their bus route number and destination at bus stops serviced by more than one route.

(d) The entity shall permit service animals to accompany individuals with disabilities in vehicles and facilities.

CU Transit acknowledges all service animals. ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide a specific task to an individual with a disability. Service animals may come in many species and act in many capacities for individuals with disabilities. A bus operator may ask a person who has a disability if the animal is a service animal and what specific task the animal is trained to perform, but the person is not required to have either a certificate or a license for a service animal.

(e) The entity shall ensure that vehicle operators and other personnel make use of accessibility-related equipment or features required by part 38 of this title.

CU Transit requires operators to utilize accessibility-related equipment.

(f) The entity shall make available to individuals with disabilities adequate information concerning transportation services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

CU Transit will encourage persons with disabilities to contact the Transit Office to request accessible formats regarding information and schedules.

(g) The entity shall not refuse to permit a passenger who uses a ramp to disembark from a vehicle at any designated stop, unless the lift/ramp cannot be deployed, the lift/ramp will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the entity, preclude the safe use of the stop by all passengers.

CU Transit will not refuse a passenger who uses a ramp to disembark from a vehicle at any designated stop unless the ramp cannot be deployed, the ramp will be damaged if it is deployed, or temporary conditions at the stop, not under the control of CU Transit, preclude the safe use of the stop by all passengers. Operators must notify the Transit Office anytime there is a situation in which the ramp cannot be deployed.

(h) The entity shall not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply, consistent with applicable Department of Transportation rules on the transportation of hazardous materials (49 CFR subtitle B, chapter 1, subchapter C).

CU Transit does not prohibit passengers requiring a respirator or portable oxygen supply from traveling with CU Transit. Operators are reminded of the special needs of individuals with disabilities.

(i) The entity shall ensure that adequate time is provided to allow individuals with disabilities to complete boarding or disembarking from the vehicle.

Operators are reminded of the special needs of individuals with disabilities. CU Transit requires adequate time to complete boarding and disembarking from the vehicle. Safety and sensitivity to the needs of passengers are always the priority.

(j)(1) When an individual with a disability enters a vehicle, and because of a disability, the individual needs to sit in a seat or occupy a wheelchair securement location, the entity shall ask the following persons to move in order to allow the individual with a disability to occupy the seat or securement location:

(i) Individuals, except other individuals with a disability or elderly persons, sitting in a location designated as priority seating for elderly and handicapped persons (or other seat as necessary);

(ii) Individuals sitting in or a fold-down or other movable seat in a wheelchair securement location.

(2) This requirement applies to light rail, rapid rail, and commuter rail systems only to the extent practicable.

(3) The entity is not required to enforce the request that other passengers move from priority seating areas or wheelchair securement locations.

(4) In all signage designating priority seating areas for elderly persons and persons with disabilities, or designating wheelchair securement areas, the entity shall include language informing persons sitting in these locations that they should comply with requests by transit provider personnel to vacate their seats to make room for an individual with a disability. This requirement applies to all fixed route vehicles when they are acquired by the entity or to new or replacement signage in the entity's existing fixed route vehicles.

CU Transit operators will ask individuals, except other individuals with a disability or elderly persons sitting in a designated priority seating area, to move to allow the individual with a disability to occupy the seat or securement location. This includes fold-down seats and securement areas. CU Transit will not require other passengers to move from priority seating or securement areas if they refuse.

CU Transit provides signage for all designated priority seating. Operators should note during their pre-trip inspection any missing signage and complete a maintenance report form to assure signage is replaced.

Section 37.169. Process to be used by public entities providing designated public transportation service in considering requests for reasonable modification.

(a)(1) A public entity providing designated public transportation, in meeting the reasonable modification requirement of 37.5(i)(3) with respect to its fixed route, demand responsive, and complementary paratransit services, shall respond to requests for reasonable modification to policies and practices consistent with this section.

(2) The public entity shall make information about how to contract the public entity to make requests for reasonable modifications readily available to the public through the same means it uses to inform the public about its policies and practices.

(3) This process shall be in operation no later than July 13, 2015.

(b) The process shall provide a means, accessible to and usable by individuals with disabilities, to request a modification in the entity's policies and practices applicable to its transportation services.

(1) Individuals requesting modifications shall describe what they need in order to use the service.

(2) Individuals requesting modifications are not required to use the term "reasonable modification" when making a request.

(3) Whenever feasible, requests for modifications shall be made and determined in advance, before the transportation provider is expected to provide the modified service, for example, during the paratransit eligibility process, through customer service inquiries, or through the entity's complaint process.

(4) Where a request for modification cannot practicably be made and determined in advance (e.g., because of a condition or barrier at the destination of a paratransit or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel of the entity shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with the entity's management before making a determination.

(c) Requests for modification of a public entity's policies and practices may be denied only on one or more of the following grounds:

(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.

(d) In determining whether to grant a requested modification, public entities shall be guided by the provisions of Appendix E to this Part.

(e) In any case in which a public entity denies a request for a reasonable modification, the entity shall take to the maximum extent possible, any other actions (that would not result in a direct or fundamental alteration) to ensure that the individual with a disability receives the services or benefit provided by the entity.

(f)(1) Public entities are not required to obtain prior approval from the Department of Transportation for the process required by this section.

(2) DOT agencies retain the authority to review an entity's process as part of normal program oversight.

City Utilities provides reasonable modifications to individuals with disabilities by making changes to policies, practices, and procedures, if needed by an individual with a disability to enable him or her to participate in City Utilities services subject to several exceptions.

These exceptions include:

1. Granting the request would fundamentally alter the nature of the entity's services, programs, or activities (including determination of technical infeasibility);

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;

4. For Federal Transit Administration recipients, a request may also be denied if it would create an undue financial and administrative burden.

Requests for reasonable modification must include the following:

Name:

Address:

Preferred Phone Number:

Disability:

Policy / Process that you are requesting modification of:

What modification of the policy do you need?

Why do you need the modification to allow you to use the service?

The request from the individual with a disability should be as specific as possible and include information on why the request modification is needed to allow the individual to use the transportation provider's service.

Please submit a request for reasonable modification by mail, email, or fax:

**Mail: City Utilities of Springfield
Attention: Kelly Turner, Director of Transit
1505 N. Boonville Ave.
Springfield, MO 65803**

Email: Kelly.turner@cityutilities.net

Fax: 417-831-8803 Attention: Kelly Turner

Training Requirements:

Each public or private entity which operates a fixed route or demand responsive system 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 difference among individual with disabilities.

City Utilities Transit includes the Transportation Safety Institute (TSI) Course in Bus Operating Training as part of our new bus operator training program. The comprehensive training includes 96 hours of classroom training and behind the wheel training before a bus operator is ready to safely operate a bus on his own. Each section of classroom training includes a test the trainee must complete. As part of the TSI bus operator training there is a section on Passenger Relations with training on Elderly Customers and Customers with Disabilities, the Americans with Disabilities Act (ADA), Using ADA Equipment, and ADA Laws.

Each bus operator will be given a copy of the Fixed Route and Paratransit Operating Procedures and Policies for their review. Each bus operator is given refresher training on the ADA Laws and Passenger Relations with Elderly and Disabled Customers.

Internal Controls / Monitoring Procedures:

The non-Federal entity must:

(a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.

(b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards,

(c) Evaluate and monitor the non-Federal entity's compliance with statutes, regulations, and the terms and conditions of the Federal awards,

(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

City Utilities Transit uses several methods for monitoring performance, including all the ADA requirements. Street supervisors and other operations staff conduct regular observations in the field, on-board security video recordings are monitored, and customer complaints and reported incidents prompting review of the on-board security video recordings. CU monitors our bus operators continually by establishing a Complaint Form to be filled out on each passenger complaint received. Once the complaint is made it is written up and passed on to the bus supervisor to talk with the driver and get their side of the story. The security tape is pulled to verify the complaint. Once the supervisor views the on-board security video and the complaint is substantiated, then the driver receives progressive discipline based on the Union Contract or Statement of Intent. Depending on the infraction and past history would determine if the discipline would be an oral warning, a written warning, suspension, or possible dismissal.

CU will also use the on-board security video recordings and the Customer Service Quality Assurance Scorecard Form to quarterly review all bus operators' adherence to these procedures and provide feedback, instruction, and additional training, if necessary.

Monitoring for the Paratransit bus system is conducted the same as for the fixed route service. City Utilities uses Route Match Scheduling Software to schedule and dispatch all our paratransit rides. The Route Match Software has a reports module that can track denials, cancellations, no-shows, missed trips, length of time on the bus, number of calls received and scheduled, etc. The Paratransit bus service, Access Express, has its own policies and procedures, eligibility requirements, appeals process, and application.

City Utilities Transit Services has an active advisory committee in place – Transit Advisory Committee. The primary purpose of the Transit Advisory Committee is to act as advisors to the Transit Department staff and operations. The Committee will help identify the current and future transit needs of the community. The Committee is made up of two fixed route riders, at least one Access Express (paratransit) rider, two visually-impaired riders, two mobility-impaired riders, one student rider, one 65+ year old rider, one City of Springfield

Public Works Department representative, one Ozarks Transportation Organization representative, one downtown Springfield representative, one social services organization representative, one disabled services agency representative, and one City Utilities Bus Operator. They are an active and vocal committee concerning transit system performance issues and are encouraged to share with Transit management if a bus operator or Transit staff is not following ADA guidelines.