

Policy: Americans with Disabilities Act of 1990	Page: 1 of 9
Date Initiated: 11/1/2010	Revision Date: 8/31/2022; 12/22/2022

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

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 state laws and regulations. All services operated by the Jackson County Transit 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 Jackson County Transit 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.

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:

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.

Disability: A physical or mental impairment that substantially limits one or more major life activities.

Mobility Aid/Non Wheelchair Mobility Device: A device used by a person with a mobility impairment to assist with mobility but does not meet the requirements of a wheelchair as defined by ADA. These include but are not limited to canes, crutches, walkers and "segways" when used by a person with a mobility related disability.

Securement Equipment: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Policy: Americans with Disabilities Act of 1990	Page: 2 of 9
Date Initiated: 11/1/2010	Revision Date: 8/31/2022; 12/22/2022

Securement Station: Space specifically designed to secure and stabilize wheelchairs on transit vehicles.

Service Animal: An animal that is individually trained to perform a task or tasks for people with disabilities.

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

Facility and Vehicle Accessibility: The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38. Vehicles purchased for non-fixed-route service will only be non-accessible to the extent that the system, when viewed in its entirety, provides the same level of service to disabled persons as non-disabled persons.

Vehicle and Route Assignment: To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. However, in the interest of preparedness, standard operating procedures shall be to station accessible vehicles first on runs that operate on a daily basis and have the potential for accessibility needs on a given day, second on runs that have a history of higher accessibility needs and third on all other runs. The transit system will make all reasonable efforts to make an accessible vehicle available whenever requests are made. Trip denials will be tracked by disability to monitor whether trips are disproportionately denied to individuals with disabilities because an accessible vehicle is not available. Should this be found to be the case, inaccessible vehicles will be replaced with accessible vehicles until the system, when viewed in its entirety, is accessible.

Wheelchair Accommodation: 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 for the wheelchair on the vehicle. If a vehicle lift/ramp and securement area can accommodate a mobility device, Jackson County Transit will transport the device (and its user).

Boarding: Drivers will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary to accommodate slower passengers and waiting for passengers to be seated before moving the vehicle. It is the responsibility of the driver to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pick-up site. The passenger and/or their guest, escort or attendant will maneuver the passenger and mobility aid to the vehicle. Only a properly trained transit system employee can operate the lift, secure the wheelchair on the lift and in the securement station.

Policy: Americans with Disabilities Act of 1990	Page: 3 of 9
Date Initiated: 11/1/2010	Revision Date: 8/31/2022; 12/22/2022

Use of Accessibility Devices by Persons with Disabilities Not Using a Wheelchair: A person with a disability who is not using a wheelchair or other seated mobility aid may use the lift to board or alight the vehicle upon request.

Priority Seating: With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating. However, this does not supersede the transit system's right to require any passenger who has caused a disruption in the safe travel of other passengers and/or driver to be required to sit in a specific area of the vehicle as a condition of transportation.

Priority seating for people with disabilities is designated by permanent signage in each vehicle. In cases where a person with a disability requests use of priority seating that currently occupied by another passenger, the driver will ask that passenger to allow the person with a disability to use of the seat.

Driver Assistance: Drivers will make their selves available for assistance to persons with disabilities and will assist upon request of the passenger. Drivers will leave their seat to assist a passenger with using the vehicle ramp, lift and/or securement systems.

Securement: Securement of the wheelchair class of mobility devices is the responsibility of the driver and drivers will be trained in the proper operation of all securement equipment based on manufacturer specifications. Non-wheelchair aids are the responsibility of the individual passenger; however, it must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. If the tie-down system is not compatible for the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair can not be secured because of the wheelchair design, the passenger still has the right to ride the vehicle. 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. 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. **Seat belts and shoulder harnesses are required for ALL passengers.**

Non-Standard Mobility Devices: Mobility devices that are not wheelchairs will be accommodated to the extent that the ADA-compliant lift 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 seated mobility devices have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, users of seated mobility devices to transfer to fixed seating.

Policy: Americans with Disabilities Act of 1990	Page: 4 of 9
Date Initiated: 11/1/2010	Revision Date: 8/31/2022; 12/22/2022

Stop Announcements: Stops at major intersections, transfer points, and destination points will be announced on deviated fixed routes. Transit operators will announce other stops upon request. (49 CFR 37.167 (a-c))

Service Animals: In compliance with 49 CFR Part 37, the transit system 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 threat to other passengers may be restricted from riding.

Personal Care Attendant (PCA): A Personal Care Attendant may ride with the passenger at no charge. A PCA is someone who travels with, and helps, a passenger who is not able to travel alone. Passengers must provide their own PCA if needed. The dispatcher must be informed when booking a trip if the passenger will be using a PCA.

Guests and companions must pay regular fare. A companion is anyone who rides with a passenger who is not designated as a PCA. (49 CFR 37 (b))

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. However, the driver will allow a passenger who uses the lift to disembark at any location, unless the lift cannot be deployed, the lift will be damaged if deployed; or conditions at the stop would present unsafe conditions for all passengers. The driver will only unsecure the wheelchair and operate the lift to return the passenger to the ground level. Only a properly trained transit system employee can operate the lift, secure the wheelchair on the lift and in the securement station.

Use of Accessibility Devices by Persons Not Using a Wheelchair: A person who is not using a wheelchair or other seated mobility aid may use the lift to board or alight the vehicle upon request.

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts and wheelchair securement devices, will be maintained in operative condition. This includes providing preventive maintenance on lifts as recommended by the equipment manufacturers, cycling the lift as part of each pre-trip inspection*, taking vehicles with inoperative lifts out of service, and repairing inoperative equipment promptly. Drivers are required to report lift failures as soon as possible. (**Note: lift cycling as part of the pre-trip inspection is not required by ADA but is recommended by NCDOT IMD as a way to comply with the federal ADA requirement that transit system conduct regular and frequent lift checks, sufficient to determine if lifts are actually operative*).

Policy: Americans with Disabilities Act of 1990	Page: 5 of 9
Date Initiated: 11/1/2010	Revision Date: 8/31/2022; 12/22/2022

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))

Staff Training: All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly assist and treat individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

Rider Information: All printed informational materials are made available in accessible formats upon request, for example, large print for persons with low vision or audio for blind persons, as well as accessible electronic formats.

Complaint Procedure: Jackson County Transit is committed to providing safe, reliable, and accessible transportation options. All comments, positive or negative, are welcomed and will be considered and/or investigated by Jackson County Transit. Passengers may send their comments to Jackson County Transit by mail, phone, or online using the Incident/Complaint Form. Jackson County Transit advertises the complaint process as part of the ADA Policy. The ADA Policy and Incident/Complaint Form is on the JCT website: <https://www.jacksoncountytansit.com> in both English and Spanish.

Jackson County Transit has designated the Transit Director to coordinate its efforts to comply with Part 37.

JCT will communicate its response to the complainant within 30 days, including the reasons for the response. Responses may include written, electronic, in-person and telephonic response. All responses are documented and are also added to the Jackson County Transit complaint database. Dates to track include:

- Date of receipt
- Date of assignment for investigation
- Date of resolution
- Date of communication to complainant

The agency must keep all complaints of noncompliance on file for one year and a record of all such complaints (which may be in summary form) for five years.

The Transit Director will communicate with all parties involved, the complainant as well as pertinent operations staff.

The investigation may also include:

- Video recordings from facility surveillance and on-board cameras
- Written communications (paper and electronic)
- System data including location tracking, dispatch records, notes and input

Policy: Americans with Disabilities Act of 1990	Page: 6 of 9
Date Initiated: 11/1/2010	Revision Date: 8/31/2022; 12/22/2022

- Driver manifests (paper or electronic)
- Interviews with transit agency employees and other riders who may be witnesses to the incident

If complainants disagree with the determination by the Transit System Employee, they can appeal the decision in writing within thirty (30) days from the date of the determination letter. The appeal letter should state the reason (s) the complainant believes the decision was in error. The appeal letter should be mailed to: Transit Director, Jackson County Transit, 1148 Haywood Rd, Sylva, NC 28779.

Individuals or any specific class of individuals, personally or through a representative, may submit a complaint to FTA. Those wishing to submit a complaint may do so independent of a transit agency's complaint process. FTA provides an optional Civil Rights Complaint Form on its website for complainants to complete within 180 days from the date of the alleged discrimination. FTA's practice is to encourage riders and others to resolve issues with local agencies when possible before filing a complaint with FTA.

Federal Transit Administration Office of Civil Rights Attention: Complaint Team East Building, 5th Floor - TCR 1200 New Jersey Avenue, SE Washington, DC 20590

With your form, please attach on separate sheet(s):

- A summary of your allegations and any supporting documentation.
- Sufficient details for an investigator to understand why you believe a public transit provider has violated your rights, with specifics such as dates and times of incidents.
- Any related correspondence from the transit provider.

FTA Civil Rights Complaint Form link:

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Consolidated_Civil_Rights_Complaint_Form.pdf

See **Appendix A** for the Incident/Complaint Report Form.

Modification of Policy: If a passenger requires modification of any of these policies to accommodate their disability, they may request such a modification by contacting the Jackson County Transit Director. The transit system will work with the individual to find an accommodation solution.

Individuals with disabilities may ask Jackson County Transit to modify a policy or procedure if they feel the policy or procedure is discriminatory or prevents them from fully utilizing Jackson County Transit services. Jackson County Transit will review these requests and will modify policies unless it finds that:

- The person can fully utilize the service without the requested modification (i.e., it is for convenience only).

Policy: Americans with Disabilities Act of 1990	Page: 7 of 9
Date Initiated: 11/1/2010	Revision Date: 8/31/2022; 12/22/2022

- The change would create a direct threat to the safety of others.
- The change would fundamentally alter the nature of the service.
- The change would cause an undue financial or administrative burden.

Jackson County Transit encourages people to request such modifications in advance when possible. To request a modification of a policy or procedure in advance, they may contact the Jackson County Transit Director and a Request for Modification of Policy/Procedure Form will be provided.

Jackson County Transit will be guided by examples in Appendix E of 49 CFR Part 37 when making decisions on requests for modifications of policies. If Jackson County Transit denies a request, it will consider other reasonable actions or approaches that might be able to meet the person's needs.

See **Appendix B** for the Request of Modification of Policy/Procedure Form.

This ADA Policy has been adopted by the Jackson County Board of Commissioners on

01-17-2023.



Mark Letson, Chairman, Board of Commissioners



Don Adams, County Manager

Attest: Angela M. Winchester
Angela M. Winchester, Clerk to Board



Policy: Americans with Disabilities Act of 1990	Page: 9 of 9
Date Initiated: 11/1/2010	Revision Date: 8/31/2022; 12/22/2022

Appendix B

JACKSON COUNTY TRANSIT
REASONABLE MODIFICATION REQUEST FORM

Name of Passenger: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: (____) _____ - _____

Email address: _____

Advocate Name: _____

Relationship to passenger: _____

Telephone: (____) _____ - _____

1. Describe the service policy or program that may need to be modified to allow the passenger full access to the transit service provided. _____

2. How does the current service policy or program prevent the rider from using the transit service program? _____

3. Please describe the specific modification to the current policy/procedure that you are requesting.

4. How would you like the (transit agency) to respond to your request?

in writing to the address provided above by email

This form can be requested in large print or Spanish by calling: (828) 586-0233, TTY 711 or 1-800-735-2962, or emailing jctransit@jacksonnc.org.

Please send the completed forms and any required documentation of disability to:
Jackson County Transit, Attn: April Alm, Director, 1148 Haywood Road Sylva, NC 28779 or electronic versions of the completed form and scans of required documentation of disability should be sent to jctransit@jacksonnc.org.

Jackson County Transit will provide a written response to your Request for a Reasonable Modification within (7) days of its receipt.