

# Twin Transit Policy

*The following policy is provided under the authority of the General Manager and is awaiting adoption by the LPTBA Board of Directors*

Title:	Americans with Disabilities Act (ADA) Compliance	Adopted by: LPTBA Board
Category:	Administrative Manual	Effective Date: May 21, 2015 Revised: Dec. 5, 2016 Oct. 4, 2017

## A. General Provisions

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The ADA is civil rights legislation which requires, among other things, that persons with disabilities receive transportation services equal to those available on the fixed route service.

It is the policy of Twin Transit that, when viewed in their entirety, services, programs, facilities, and communications provided by Twin Transit, directly or by a contracted service provider, are readily accessible and usable to individuals with disabilities to the maximum extent possible. (49. CFR 37.105)

## B. Approved Mobility Devices

Passengers will be transported provided the lift/ramp and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements (e.g. the combined weight of the wheelchair/occupant exceeds that of the lift/ramp specifications).

1. Twin Transit vehicles can accommodate passengers or their mobility devices that meet the following minimum standards:
  - A wheelchair belonging to any class of three or more wheels, usable indoors, designed or modified for and use by individuals with mobility impairments, whether manually operated or powered.
  - Walkers must be collapsible and stored between seats or in the vehicle's trunk.
  - Equipment must be in good working order, with batteries charged, tires inflated, footrests attached, and all parts secure. (49 CFR 37.3)
  - Wheelchair lifts are to be used only for passengers riding in wheelchairs or for standees who cannot navigate the steps of the bus. A PCA may accompany a standee on a lift.
2. Passengers are recommended to set brakes on Mobility Devices.
  - When occupying a lift or securement area, it is recommended that passengers apply the brakes on their mobility devices; however, they are not required to do so. With power chairs or scooters, it is recommended that the power switch be turned to the "off" position but it is not mandatory.

**C. Use of Portable Oxygen**

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))

**D. Wheelchair Securement Policy**

1. Bus Operators are expected to use front and rear securement straps (tie-downs) to secure mobility devices using a four-point securement method according to PRO-306A: *Securing a Mobility Device*. Operators will secure mobility devices at the strongest parts of the device (i.e. base frame or seat frame). Operators will assist passengers with securement systems, ramps, and seatbelts; however, a bus operator should refrain from assisting passengers using power chairs or scooters with the operation of their equipment. Twin Transit will not refuse to transport someone whose mobility device cannot be satisfactorily secured provided that mobility device fits within the definition described in Section B. (49 CFR 37.165)

**E. Bus Stop Announcements**

1. Stops at major intersections, transfer points, and destination points will be announced on fixed route buses. Bus Operators will announce other stops upon request. (49 CFR 37.167 (a-c))

**F. Traveling with a Personal Care Attendant (PCA) or Companion**

1. A Personal Care Attendant (PCA) may ride with a paratransit eligible passenger at no charge. A PCA is someone who travels with, and helps, a rider who is not able to travel or perform other tasks alone. A PCA is not expected to assist with the transportation or securement process unless transportation is one of the reasons the PCA is accompanying the passenger. Passengers requiring the assistance of a PCA must provide their own if one is needed.
2. Guests and companions may ride with a paratransit approved passenger on Twin Transit paratransit buses but are required to pay the current paratransit fare. A companion is anyone who rides with a paratransit approved passenger but is not designated as a PCA (49 CFR 37 (d)). A maximum of one (1) PCA and one (1) companion may accompany a passenger on a paratransit reserved trip; additional companions will be allowed if space is available.

**G. Traveling with a Service Animal**

1. A declared service animal, defined as any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, will be permitted to accompany a passenger on the bus. In order to ride Twin Transit:
  - The animal must be on a leash or in a container, remain under control of the owner, and behave appropriately. Service animals that are unruly, disturbing or aggressive are subject to dismissal from the bus at the discretion of the bus operator.
  - The animal must remain at the feet or on the lap of the passenger and may not sit on a vehicle seat.

- The animal must not be aggressive toward people or other animals. (49 CFR 37.167(d))
2. When distinguishing a service animal from a pet the bus operator, or other transit employee, may ask the rider two questions:
    1. Is the animal a service animal or a pet? Any declared pet must be placed in an escape proof container for the duration of the trip. If the rider declares the animal to be a working service animal then the bus operator may ask the following second question.
    2. What task has the animal been trained to perform? This question from the bus operator is intended to be a limited inquiry on behalf of Twin Transit, and one in which relies on the information as represented by the bus rider, absent glaring credibility issues.
- Passengers who declare each of their animal(s) individually and separately to be a working service animal and who state their animals' individually trained task related to a disability will be permitted to board the bus.

**H. Bus Operator Assistance during Boarding's and Alighting's**

1. Bus Operators shall position the bus to make boarding and alighting as easy as possible for all passengers, minimize the slope of the ramp, and use the kneeling option as needed. Bus Operators are expected to provide reasonable assistance to passengers as necessary or upon request. Paratransit Bus Operators are expected to accompany passengers to/from the threshold of the door as necessary. Passengers with disabilities will be allowed adequate time to board and alight the vehicle.

**I. Maintenance of Bus Ramps or Lifts**

1. Bus Operators, as part of the pre-trip inspection process, will test the lift or ramp on their assigned vehicle before each day of service. The breakdown or malfunction of accessibility equipment will be reported immediately to dispatch. A vehicle with an inoperable lift or ramp must be removed from service as soon as possible and cannot be returned to service until repaired. If there is a lift or ramp failure, a replacement vehicle must be dispatched no more than 30 minutes after the reported lift or ramp failure. (49.CFR 37.163)

**J. Priority Seating**

1. Upon request, bus operators shall ask – but not require – ambulatory passengers to relinquish priority seating at the front of the bus to seniors and persons with disabilities. Operators are not required to enforce the priority seating designation beyond making such a request.

**K. Reserved Areas for Wheelchair Securement**

1. Mobility device securement areas on buses are reserved. Passengers using mobility aids shall be boarded if the securement areas are not otherwise occupied by a mobility device, regardless of the number of passengers on the bus. Bus Operators are required to ask passengers sitting in the securement areas to move to other available seats or to stand if the area is need for the securement of a mobility device.

**L. Public Notification of ADA Policy**

1. Twin Transit will notify the public of the ADA policy on its website [www.twintransit.org](http://www.twintransit.org) and in the printed riders guide.

**M. Twin Transit will make available Paratransit service to passengers unable to use the fixed route due to a mobility limitation**

*Note: Twin Transit uses a combination of paratransit reservations **and** fixed-route deviations to meet demand for eligible trips.*

1. **Eligibility:** Twin Transit will strictly observe the standards contained in 49 CFR 37.123(e) in determining eligibility for complementary paratransit service. Passengers meeting one or more of the following criteria are considered eligible for ADA Paratransit service:
  - a. A person who is unable to board, ride or exit any vehicle independently on the fixed route system.
  - b. A person who has an impairment-related condition that prevents getting to or leaving a bus stop.
2. **Application:** Eligible passengers seeking ADA Paratransit service must apply to Twin Transit for approval (FOR-306A).
  - a. **21 Day Consideration:** Twin Transit will render a decision to the applicant within 21 days of receiving the completed application. Applications are considered complete when:
    - The applicant questionnaire and informed consent are complete and signed
    - The professional verification portion of the application is completed and signed
    - The in-person interview is concluded (if necessary)
  - b. **In-Person Interview:** All applicants may be interviewed by Twin Transit staff as part of the application process.
    - Twin Transit will schedule a no-charge visit to the Twin Transit office to conduct the Interview. Applicants who cancel or no-show their free trip more than two times will be required to pay applicable bus fare to travel to the interview location.
3. **Determination:** Applicants for ADA Paratransit service must demonstrate their inability to utilize the fixed route system prior to being granted approval.
  - a. **Medical Verification:** Prior to approval, prospective ADA Paratransit passengers will be required to obtain verification from a licensed medical service provider to validate the mobility related claims.
  - b. **Supplemental Information:** Twin Transit may seek supplemental information from an applicant's healthcare provider to determine appropriate eligibility.

- c. *Temporary Approval*: Temporary approval to use ADA Paratransit service will be granted to applicants that have not received a determination of eligibility within 21 days after completing the application process.
4. Denial and Appeal: Applicants considered ineligible for ADA Paratransit service will be notified in writing. Denial letters must cite the specific reason for denial (49 CFR 37.125(d)) and will be sent to applicants within 21 days of receiving the completed application.
- a. *Appeal*: Applicants who are denied eligibility to ADA Paratransit may appeal the decision within 60 days of receiving notice of their denial. Twin Transit will comply with 49 CFR 37.125(g) when administering appeals of denied paratransit eligibility.
    - i. *Full-functional Assessment*: Denied passengers who are appealing Twin Transit's decision may be required to submit to a full-functional assessment as part of the appeals process.
    - ii. *Appeals Hearing*: Appeals will be heard by a panel, to include the Twin Transit General Manager and not less than two other panelists who did not participate in the denial decision. Twin Transit staff who determined the original denial may attend and participate in the appeal hearing but will not be eligible to sit as a panelist or vote on the appeal. Decisions made by the Panel are considered final and are not subject to further appeal.
    - iii. *Applicant Participation*: Denied applicants are encouraged to attend the appeals hearing and may invite observers or advocates to the hearing to provide relevant testimony regarding the applicant's mobility or cognitive abilities.
    - iv. *Temporary Eligibility*: Applicants who are not considered eligible will not be allowed use of ADA Paratransit during the appeals process, however, previously approved passengers who are appealing a change in eligibility category will be allowed to remain in their existing eligibility category until the appeals process is complete.
    - v. *Panel Decision*: The panel considering the appeal will render a decision within 30 days of receiving the notice of appeal. Passengers will be considered temporarily eligible for paratransit service if a decision has not been made within the 30 day period.

**N. Approval for ADA Paratransit service will be granted for 3 years**

- 1. Eligibility Categories: Applicants approved for ADA Paratransit service will be notified in writing. Approved passengers will receive a letter that declares the passenger's eligibility category and offers instructions on how to use the paratransit system. Eligibility categories are as follows:
  - a. Unconditional Eligibility: Passengers granted unconditional eligibility will be permitted to use ADA Paratransit service for any trip located within the paratransit service area (see section POL-118.O.1).

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- b. Conditional Eligibility: Passengers granted conditional eligibility will be permitted to use ADA Paratransit service only for those trips that cannot be made using Twin Transit fixed route bus service.
  - c. Transitional Eligibility: Passengers granted transitional eligibility will be permitted temporary use of ADA Paratransit service according to the recommendations of their medical care provider(s).
    - Transitional eligibility will not exceed two (2) years in duration.
    - Passengers with transitional eligibility will receive 45 days' notice of the expiration of their eligibility.
  - d. Visitor Eligibility: Visitor eligibility is granted to passengers who are visiting from another community who have been deemed eligible in their home system. Visitor eligibility must not exceed 21 days in a calendar year. Passengers whose visit exceeds 21 days will be required to apply to Twin Transit for ADA Paratransit approval.
2. Level of Service Designation: All approved passengers will be given a Level of Service designation which identifies the basis for Bus Operator assistance. Unless otherwise declared, all passengers will be assumed *curb-to-curb*. The three Levels of Service categories are as follows:
- a. *Curb-to-Curb*: Passengers who are capable and expected to meet the ADA Paratransit vehicle at the curb near the main entrance of the scheduled location
  - b. *Door-to-Door*: Passengers who require Bus Operator assistance traveling between the main entrance and the Twin Transit vehicle.
  - c. *Hand-to-Hand*: Passengers who require Bus Operator assistance traveling between the main entrance and the Twin Transit vehicle; passengers designated hand-to-hand must not be left alone or dropped off at a location that does not have a receiving caregiver.
3. Recertification: All passengers must participate in a re-certification process every 36 months to remain eligible for paratransit service. Passengers who fail to recertify will forfeit eligibility and must re-apply with Twin Transit to regain access to ADA Paratransit.
- Twin Transit will notify existing passengers, in writing, of the need to recertify for ADA Paratransit service; notices will be mailed to passengers not less than 60 days prior to the expiration of their existing eligibility.

**O. ADA Paratransit service will mirror fixed route service hours and geographic area**

- 1. Service Area: With the exception of commuter routes, Twin Transit Paratransit service is provided to passengers traveling to/from destinations that are within 3/4 of a mile of a Twin Transit fixed-route. (49 CFR 37.131(a))

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2. Hours of Operation and Travel Time: Twin Transit Paratransit operates the same hours as the Twin Transit fixed route system. Because paratransit is a shared ride service all travel times on ADA Paratransit will be comparable to fixed route service; passengers will be scheduled to arrive at their desired destination within 60 minutes of their requested time.
  
3. Origin to Destination Definition: Twin Transit defines origin to destination service as “door-to-door when necessary” (49.CFR 37.129). Twin Transit Paratransit Operators will ensure that all passengers can travel from the exterior door of their place of origin to the bus, and conversely from the bus to the exterior door of their destination. Door-to-door assistance may not be feasible in locations that present a safety risk to Twin Transit or require the Operator to lose sight of the vehicle; in these cases Twin Transit will work with passengers to find an alternative location. In providing door-to-door service Paratransit Operators are expected to provide a reasonable amount of assistance which may include any of the following:
  - Pushing a manual wheelchair along level ground or a slope that does not exceed one foot of rise over twelve feet of run (1:12). Twin Transit Operators will not push a passenger in a manual wheelchair up or down any steps.
  - Carrying 1 or 2 personal items for the passenger
  - Offering your arm for balance and stabilization
  
4. Trip Scheduling: ADA Paratransit trips are scheduled in advance by calling Twin Transit Dispatch at (360) 330-5555. Trip reservations can be scheduled weekdays between 8:00 am and 4:00 pm up to the day before the trip. Unless otherwise authorized, no trip reservations will be accepted on the day of the trip.
  
5. Trip Cancellation: ADA Paratransit trips must be canceled 75 minutes in advance to the scheduled time without being subject to the no show policy.
  
6. No Shows or Late Cancellations: Twin Transit staff will notify passengers of “no show” patterns however after four missed trips within a 30 day period the passenger will be issued a suspension of service. Suspensions are subject to appeal and will increase progressively according to the following schedule:
  - First suspension is seven (7) consecutive days
  - Second suspension is fourteen (14) consecutive days
  - Third suspension is thirty (30) consecutive days
  - The penalty for continued no-shows following a third suspension will be determined by an Appeals Panel.

Passengers subject to suspension will be notified by mail of a forthcoming suspension and will be given an opportunity to appeal. Passengers facing suspension must advise Twin Transit of their intent to appeal within 15 days of the suspension notice. A 3 member panel will be arranged to hear the appeal and render a decision regarding the suspension; the

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panel must not contain the Twin Transit employee who determined the original suspension. Passengers may continue to use ADA Paratransit throughout the appeals process. Decisions made by the Appeals Panel are considered final and are not subject to additional appeal.

7. Trips Denials: Twin Transit will count all denials for service; one denial of a multi-legged trip will count as a denial for each leg of the trip.
  
8. Complaint Process: Twin Transit has established a Customer Comment policy and customers wishing to file a complaint or obtain a copy of POL-109: *Customer Service* may contact Twin Transit at (360) 330-2072, [info@twintransit.org](mailto:info@twintransit.org), or in person at Twin Transit's administration office located at 212 E. Locust St. Centralia, WA 98531. (RCW 46.07b)
  
9. Reasonable Modification: Requests for modifications of Twin Transit policies, practices, or procedures to accommodate an individual with a disability may be made either in advance or at the time of the transportation service. Twin Transit is best able to address and accommodate customers, when they make their requests before the trip. Contact Twin Transit for assistance.
  
10. Direct Threat: If a person is violent, seriously disruptive, or engaging in illegal conduct Twin Transit may, consistent with established procedures for all riders, refuse to carry the passenger. A person who poses a significant risk to others may be excluded from service if reasonable modifications to the public accommodation's policies, practices, or procedures will not eliminate that risk. (49CFR 37.5 App. D/ 29 CFR 36.208)

Behaviors that may cause immediate exclusion from the system include:

- Destruction of public property (the vehicle, and/or its furnishings)
- Doing violence to others or to oneself
- Behavior that is seriously unruly, seriously disruptive, threatening, or frightening to others
- Behavior that interferes with the safe operation of the vehicle
- Violations of service animal policy by failing to control one's service animal
- Violations of operating rules governing the provision of transportation system-wide
- Engaging in illegal conduct.
- Other conduct judged by Twin Transit to represent an actual or potential threat to the health, safety or wellbeing of oneself, the operator, other passengers, and/or transit personnel.

Passengers who are excluded from the system due to a direct threat have the ability to request an administrative appeal by contacting Twin Transit at 360-330-2072.