



Onslow United Transit System, Inc Americans with Disabilities Act (ADA) Policy

Adopted May 14, 2010

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity and access for persons with disabilities.

The Americans with Disabilities Act of 1990 (ADA) a comprehensive civil rights law, provides individuals with broad rights to equal opportunity and nondiscrimination in employment, services provided by public entities, public services provided by private businesses, and communications. The goals of the ADA are to assure that persons with disabilities have a chance to participate fully in society, can live independently, and can be economically self-sufficient.

Regulations implementing the transportation provisions of the ADA (CFR Parts 27, 37 and 38) were issued on September 6, 1991 by the U.S. Department of Transportation (USDOT). Some of the requirements address areas such as non-discrimination against persons with disabilities and the provision of services to such individuals and apply to operators of both fixed route and paratransit services. Other requirements focus on the provision of public paratransit service for individuals who are unable to use accessible fixed route service independently as a result of a disability.

ADA Regulations – Part IV Department of Transportation 49 CFR Parts 27, 37 and 38 Transportation for Individuals with Disabilities, Final Rule defines disability as follows found in 49 CFR Part 37.3:

Disability means, 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.

1. The phrase ***physical or mental impairment*** means –
 - (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory including

- speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemi and lymphatic skin, and endocrine;
 - (ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;
 - (iii) the term *physical or mental* impairment includes, but is not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease, tuberculosis, drug addiction and alcoholism;
 - (iv) The phrase physical or mental impairment does not include homosexuality or bisexuality.
- (2) The phrase **major life activities** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- (3) The phrase **has a record of such an impairment** means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- (4) The phrase is **regarded as having such an impairment** means –
- (i) Has a physical or mental impairment that does not substantially limit major life activities, but which is treated by a public or private entity as constituting such a limitation;
 - (ii) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment; or
 - (iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public or private entity as having such an impairment
5. The term **disability** does not include –
- (i) Transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
 - (ii) Compulsive gambling, kleptomania, or pyromania;
 - (iii) Psychoactive substance abuse disorders resulting from the current illegal use of drugs.

Definition of a Wheelchair.

Section 37.3 of the DOT/s regulations implementing the Americans with Disabilities Act of 1990 (ADA) (49 CFR Parts 27, 37, and 38) defines a Wheelchair as a mobility aid belonging to any class of three or four-wheeled devices usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A wheelchair dimensions does not exceed 30 inches in width and 48 inches in length measured two inches above the ground and does not weigh more than 600 pounds when occupied.

Non-Discrimination Statement

It is the policy of Onslow United Transit System, Inc. to ensure compliance with Title VI of the Civil Rights Act of 1964; 49 CFR, Part 21 ; related statutes and regulations that ensure no person in the United States shall, on the grounds of race, color, sex, age, national origin, or disability, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the United States Department of Transportation.

Reasonable Modification of Policy

Requests for reasonable modification may be addressed by calling the Executive Director or Chief Operations Officer at (910) 346-2998; or submitting it online request through OUTS website; or in writing to the following address:

Onslow United Transit System, Inc.
Executive Director
PO Box 1548
Jacksonville, NC 28541

Requests must include the following elements:

- Description of what the individual needs in order to use the service
- Individual's contact information

Request Procedures are the same as the comment and complaint procedures. **During initial passenger eligibility determination, individuals are encouraged to inform OUTS staff of any other concerns or issues not discussed.** If information is not provided in advance, Director/ Operations Supervisor/ or Designee will make determination.

Requests for modification may be denied 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.

If requested modification is denied, other actions will be taken to the “maximum extent possible” without violating rules 1-3 above to allow individual to use the service. Decisions will be guided by the provisions of Appendix E to part § 37.169(d)

Recruitment and Employment

Onslow United Transit System, Inc. recruitment, employment, and is in Section 1 of OUTS System Safety Program Plan (SSPP). The complete application for employment is in Section 1 of the SSPP. A statement prohibiting discrimination is found on the application.

Staff training to Proficiency

OUTS employees are trained through the PASS program (Passenger Service and Safety Certification) through Community Transportation Association of America (CTAA). Program was developed for the North Carolina Department of Transportation/Public Transportation Division in August 1995. Refresher training is held annually. Documentation of all training is found in the driver’s training record.

OUTS Driver Handbook and OUTS Rider Van Rules reference ADA regulations.

OUTS vehicles are purchased through NCDOT/PTD State contracts which meet ADA standards.

OUTS employees are trained to be proficient in accordance with ADA.

Rider Information and Outreach

OUTS will coordinate with individuals, institutions, and/or organizations to reach out to members in the affected minority/low-income communities. We will provide opportunities for public participation through means other than written communication.

1. Public Meetings:

- All Public meetings will be held in convenient and accessible locations and facilities
- Meeting material will be available in a variety of formats upon previous request.
- A variety of advertising means will be used to inform the media of public meetings.
- Assistance to persons with disabilities will be available upon previous request.

2. Notice to the Public

OUTS provides notice to the public of our Title VI obligations on brochures, which are disseminated to the public throughout our service area and on OUTS web site.

3. Public Involvement Process

The main objectives are to:

- Comply with the public involvement and environmental justice requirements of the Federal and State regulations, and provide specific opportunities for local citizens and citizen-based organizations to discuss their views and provide input on the subject areas addressed in plans, projects, or policies of OUTS
- Inform and educate citizens and other interested parties about ongoing OUTS planning activities, and their potential role in those activities.
- Work with other local and state organizations that have similar goals and requirements.
- Study other transit organizations that have been successful in Public Participation Efforts.

Experience has shown difficulty in reaching a large span of the population and keeping them involved. Federal and State regulations require us to provide the public with information and to reach out and include traditionally under-served populations. This document has been prepared to serve that purpose.

4. Outreach Tools

General Public Relations

General public relations may be defined as any action that might reach any citizen, whether that citizen has specific interest or knowledge regarding transportation planning. This group of techniques includes the following: announcements targeted at newspapers and radio; posters or pamphlets displayed in public places; and signs posted near future or current transportation project sites. Meetings or hearings that are held in public places and covered by the media can act as general public relations.

These techniques are ways to keep the general public aware of the presence of the planning organization and the status of specific projects so that they may develop an interest and choose to become better informed or actively involved.

Events

There are a broad variety of ways to educate and engage the public. In general, the earlier public involvement is sought, the better. It is also a better use of citizens' free time to participate in a process that will determine the direction of a project that may take years to complete. Citizens may get frustrated when they are invited to join late in the process - when the values and goals have already been decided and the details have been hammered out. The following tools are arranged from most participatory to least.

- **Special Events** are held to bring attention to a specific activity or issue. Special events may take the form of a fair or special educational lecture with civic groups or other public entities. Special events are a way to expose many people to a project or program.
- **Surveys** are an efficient method of gathering input from many people at an early stage of the planning process. This is particularly useful when trying to understand the goals and aspirations of a community before attempting to address any specific problems. As an outreach tool, surveys are a good way to identify citizens who may want to become further involved. Surveys may be administered in person or on the phone or distributed via mail, on the Internet, or at public places. A labor-intensive activity, implementation of survey might be aided by volunteers and student interns.
- **Public Hearings** are usually held when an agency has completed a plan and needs to present it for public review before moving forward with the plan. As with all these tools, care must be taken to ensure that the public is made fully aware of the event well in advance, and that the goals and values of the plan are clearly stated.
- **Community Forum Meetings** are held to discuss programs and activities within communities, and the public is engaged to discuss their needs in general.

Direct Marketing and Education

Direct marketing and education are meant to reach out and provide specific information to specific parties. For example, landowners or leaders of an ethnic community may be sought out and personally invited to come to a meeting. Similarly, lower income groups may be specifically targeted to be educated about their rights, or children or families may be targeted to begin a discussion on a specific program. Direct marketing and education can take place through direct mass mailings, radio, press advertising, or through meetings with specific groups of people such as local clubs, homeless people, property owners, or housing authorities. It can also be through making direct phone calls or meeting with key people who desire to participate in each process. This is the most labor intensive and potentially most fruitful way to create a diverse and active public participation process.

Plan Monitoring and Evaluation

Evaluation of the success of any public involvement efforts must be result-oriented. It is never safe to assume that just because people don't come to an event that they are uninterested in the project. The goal is to educate and include the public at all levels of

planning, not just to invite them. Evaluation, then, must be two-fold. The first part is to track what efforts are being made, and the results of those efforts, and the second part is to make regular assessments of the success of a technique within a given program, and to strategize for future successes.

Tracking Efforts and Success

In order to track our public participation efforts, it is necessary that the individuals involved record their efforts.

- OUTS will keep a log of their outreach activities.
- Copies should be kept of any print ads, and transcripts of any public service announcements.
- Notes should be made after the meeting regarding the overall tone of the meeting and any ideas or observations made regarding the process.

AMERICANS WITH DISABILITIES ACT OF 1990

Driver Responsibilities and Best Practices

The requirements of the Americans with Disabilities Act (ADA) affect all parts of a transit operation. Arguably the most visible of these are the responsibilities of the individual vehicle operator. While the requirements of the ADA do address the activities of vehicle operators, they do not always provide procedural guidance. This plan is written to help illuminate the requirements and to help OUTS' service to be in compliant with the rules and regulations of the Code of Federal Regulations (49 CFR) which is the ADA.

Each requirement is followed by a “Best Practice” that will help OUTS reach compliance. *The most important action that you can take is to implement board-certified policies and procedures that insure that OUTS' daily operations are correct and clearly follow the requirements of the ADA.*

These are requirements under 49 CFR:

1. Perform lift maintenance (according to OUTS' policy and procedures) regularly and conscientiously. (49 CFR 37.163)

Best Practice: Check lift by running through one cycle as when doing the pre-trip inspection every morning before leaving on a route.

2. Immediately report an inoperative lift to appropriate staff. OUTS is required to maintain in operative condition “features” (lifts, securement devices, etc.) necessary to make vehicles accessible to individuals with disabilities and to promptly repair the features which are inoperable. (49 CFR 37.161 and 37.163)

Best Practice: Inform the transit system’s supervisor of the lift condition or the tie-downs being in bad shape or make note on the pre-inspection form of the conditions and give to the appropriate personnel.

3. Take reasonable steps to accommodate a passenger who would use a feature that is inoperable. (49 CFR 37.161)

Best Practice: Inform the dispatcher of the problem and ask for another properly equipped vehicle to be sent out to transport the passengers. Find out the approximate time of arrival of the vehicle and inform the passenger.

4. Immediately inform dispatch that an individual needs transportation that is unable to board a vehicle because of a broken lift. (49 CFR 37.163)

Best Practice: Inform dispatcher of the damage or inability of the lift to operate properly, seek their advice on continuing the route. Lifts are supposed to be repaired in five days of break down. If the supervisor knows about the lift right away, arrangements can be made to have the lift repaired quickly.

5. 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. (49 CFR 37.167)

Best Practice: If a passenger is transported on a regular basis, i.e., everyday, and is slow to board the vehicle, then the time for the slower passenger to get to and enter your vehicle should be in the schedule. Some passengers are very slow in getting from the porch to the vehicle or in taking a seat on the vehicle; this can slow the schedule down considerably. Talk to the scheduler/dispatcher explaining the time it takes this passenger to get on the vehicle and sit down, then work on a time schedule that will accommodate the passenger. It will help OUTS to stay on time for other passengers.

6. Leave the driver’s seat, if necessary, to assist a passenger with using the vehicle ramp, lift and/or securement systems. (49 CFR 37.165)

Best Practice: The driver should leave their seat to help a passenger. This is for safety reasons and will dispel any attempt of a passenger to say that the driver would not assist them when they needed help. **Always ask the passenger** if they need help before attempting to give help.

7. Use the vehicle securement systems to secure wheelchairs and other mobility devices. (49 CFR 37.165)

Best Practice: If the driver secures the passenger in the wheelchair using the tie-down straps, the driver will then be assured that the passenger will have a safe ride. Never allow a passenger to ride if they are not secured properly, (this rule should be in the board-certified policies and procedures of the transit system), 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 still must try to safely secure the wheelchair. If the wheelchair cannot 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. Drivers must warn the passengers of the danger of riding in a non-secure wheelchair.

8. Allow a passenger who uses the lift to disembark at any stop, **UNLESS**:

- a. The lift cannot be deployed;
- b. The lift will be damaged if deployed;
- c. Conditions at the stop would present unsafe conditions for **ALL** passengers (49 CFR 37.167). *In other words, drivers may not judge that a designated stop is unsafe solely due to a passenger's disability. (ADA Section 223)*

Best Practices: The driver must make sure before pulling into a stop or up to a location or destination that the area where the passengers would disembark is safe for all passengers, those who are ambulatory as well as those who use mobility devices to navigate the area safely.

9. Identify the vehicle to a passenger who has a visual impairment. (49 CFR 37.167)

Best Practice: For paratransit drivers it is best to go to the person and let them know that the transit vehicle is there to pick them up. (Do the same thing for a person who has a cognitive disability). This is a good service practice and gives the passenger confidence in the driver and OUTFITS. When driving a fixed-route bus, the driver must call out the name of the route when pulling into the bus stop; ask the person at the stop if this is the bus they want to board.

10. Announce transfer points, major intersection points and destination points on fixed routes. Announcements should be made often enough to orient passengers who have visual impairments to their location. (49 CFR 37.167)

Best Practice: The driver must make the announcements loud enough for all passengers to be aware of the area they are traveling in or may want to disembark in. People who have visual disabilities or cognitive problems will need these announcements so they can stay oriented to the areas of travel. Other passengers may be hearing impaired and need to be told where to get off the bus. The driver may have to stop the vehicle and go to the hearing-impaired passenger and let them know they are at their bus stop. Drivers

will have to remember to let specific passengers know when to disembark the vehicle at places that are requested by the passenger. Paratransit drivers should give the same courtesy to all the passengers by announcing arrival at the destination point just before stopping the vehicle. This courtesy will allow passengers to get ready to disembark from the vehicle in a timely manner.

11. Allow other individuals (family or friends), in addition to a personal care attendant, to accompany the passenger as an ADA-eligible passenger (a fare will be charged) only if space is available and it does not cause an ADA-paratransit-eligible individual to be denied service. (49 CFR 37.123)

NOTE: “Accompanying individuals” must have the same origin and destination as the eligible individual.

Best Practice: Drivers should notify the office of an additional passenger. The dispatcher will find out from the driver if there is available seating. Have the dispatcher check the return trip to ensure there will be available seating if not then the extra passenger will not be able to ride. This will keep confusion down and will allow for good public relations for the agency. On a city bus this is not necessary because anyone can board a city bus with all their friends if they desire, space is not so limited. In the paratransit vehicle seats are usually taken up by regular passengers and are limited. Notification of a guest should be advised at the time the trip is scheduled.

12. Allow any service animal (not only dogs) to accompany a passenger with a disability to ride the vehicle. (49 CFR 37.167)

Best Practice: If the driver is in doubt about an animal, they can question the passenger as to the authenticity of the animal being a service animal. If the passenger refuses to give an answer, they can still ride with the animal. There are a variety of animals used to assist a passenger in traveling, and other life necessities. Most passengers will tell the driver that they have a service animal and will ride with it. Remember the person with the service animal must be in control of the animal.

Animals excluded are “wild animals (including non-human primates born in captivity), reptiles, rabbits, farm animals (including miniature horses and pigs), ferrets, amphibians, and rodents.

It is the policy of OUTS that when the passenger is making reservations they advise if they have a service animal. See Service Animal Policy.

13. Allow a passenger with a disability to carry a respirator or a portable oxygen supply that is compliant with the USDOT’s regulations regarding the transportation of hazardous materials. (49 CFR 37.167)

Best Practice: Do not handle the respirator or oxygen tanks unless it is necessary to secure them in the vehicle. If a driver must secure them, make sure that the tanks are

out of the way of other passengers. Put it up in the seat and wrap a seat belt around it to keep it from falling or being damaged, etc. Be aware of the location of oxygen lines if the tanks are hooked up to a wheelchair; do not crimp the lines with the tie-down straps.

UNDER 49 CFR

A. DRIVERS ARE NOT ALLOWED TO:

14. Deny an individual with a disability the opportunity to ride a public transportation vehicle if the individual can use the transportation service. (49 CFR 37.5)

Best Practice: Allow everyone the opportunity to ride that can use the service with minimum assistance. Assist the passenger within limits dictated by the transit system's board-certified policies and procedures. If the driver goes to pick up a passenger at a nursing home and that passenger is not able to communicate or move their own wheelchair by themselves, that person needs an assistant/attendant. The driver should report this situation to the dispatcher, get advice or have someone (supervisor or manager) call the nursing home requesting an assistant/attendant, to accompany the passenger on the trip for safety reasons and to keep the driver from having to perform attendant services.

15. Require that an individual with a disability use the designated priority seating. (49 CFR 37.5)

Best Practice: Drivers can request that a passenger with a disability sit in a designated area but cannot make them sit there. Drivers are advised to warn the passengers of the dangers of going to the rear of the vehicle in a way that does not offend the passengers. Example: "It would be safer for "ANYONE" to sit up here in these seats; "ANYONE" could be injured going to the back of the vehicle. Suggestion is okay, but the driver cannot force the issue.

16. Impose special financial charges on an individual with a disability for special accommodations needed to transport them, such as for storing a wheelchair (49 CFR 37.5)

Best Practice: Make sure all drivers, dispatchers, and office workers understand this rule. A passenger with a disability will pay the same fare as the general public pays on fixed route, regardless of the amount of assistance involved in transporting the passenger. On community transportation or paratransit, the passenger either pays by mileage, set fare, human services or no more than double the fixed route fare, (in urban areas) but cannot be made to pay extra for special accommodations.

17. Require an attendant to accompany an individual with a disability unless the agency has required an attendant as a condition of providing service in order to mitigate a previously defined problem. However, drivers are not required to provide attendant services, such as assistance with toileting, feeding, dressing, etc. (49 CFR 37.5)

Best Practice: Refer to number 14 above. Drivers should be told the limit or minimum amount of assistance required by the ADA that they must perform to be in line with the regulations concerning the assistance of passengers. If a transit system wants to go beyond the expected limits and allow the driver to assume attendant duties that is the transit system's responsibility.

18. Refuse service to an individual because their disability results in an appearance or involuntary behavior that may offend, annoy or inconvenience the driver or other passengers. (49 CFR 37.5)

Best Practice: The driver is to leave the passenger alone when a passenger has a problem related to their disability on the vehicle. For instance, if the person has "**Tourette's Syndrome**", they may use profanity or unusual behavior. The driver must be trained to recognize and understand that this person is not in control of this behavior, and it is a part of the disability and will soon pass. The driver can explain to the other passengers that this is an episode of a manifestation of trance like behavior and they are not aware of what is happening. It is like being in a trance and will soon pass. Ask the other passengers to understand and not to take the disabled person's behavior as a threat or embarrassment.

19. Deny transportation to a wheelchair or its user because the wheelchair cannot be secured satisfactorily by the vehicle's securement system. Drivers must do their best with the available vehicle equipment. (49 CFR 37.165)

Best Practice: Inform the passenger that the vehicle's securement system was not designed for the mobility device that they use. Suggest that they move to a seat on the vehicle. If they refuse, the driver cannot force them to move. Say to the person "It is unsafe for **"ANYONE"** to use this mobility device as a seat in a moving transportation vehicle; it would be much safer for **"ANYONE"** to sit in a stationary seat". If they refuse then it is okay, at least the driver has warned them of the possible dangers of sitting in an unsecured mobility device. That's all the drivers can do in this situation, warn them of the danger.

20. Cannot require that a passenger who uses a wheelchair, or other mobility device, to transfer into a vehicle seat. (49 CFR 37.165)

Best Practice: Refer to number 19. All the driver can do is to suggest that the passenger move to another standard seat in the vehicle and warn them of the danger of using their wheelchair or mobility device as a seat in a moving vehicle.

21. Cannot prohibit a passenger who has a disability from using the vehicle ramp or lift, even if they choose to stand on the lift. (49 CFR 37.165)

Best Practice: The driver can inform the passenger of the danger of standing on a moving lift. Tell them that it unsafe for “ANYONE” to stand on a moving lift, “ANYONE could fall and be injured. Drivers can offer to assist the passenger in boarding the vehicle by way of the steps. Remember, if the passenger refuses to use the steps, the driver will have to allow them to stand on the lift. Operate the lift in a safe smooth manner and remind the passenger to hold on to the handrails and to bow their head, before entering the vehicle, so they won’t bump their head on the top of the door opening. The driver could suggest they use a wheelchair that is provided by the transit system, but if they refuse, the driver will have to allow them to stand on the lift, to enter the vehicle.

UNDER 49 CFR

B. DRIVERS ARE ALLOWED TO:

22. Deny service to an individual with disabilities because they are displaying violent, seriously disruptive and/or illegal behavior. (49 CFR 37.5)

Best Practice: If the passenger is threatening passengers or the driver, verbally or physically and is abusive to other passengers, the driver can call the dispatcher and relate to the office what is happening and get guidance from them. If the passenger has a weapon and is threatening the driver, the driver might want to try to get the passengers off the vehicle and summon help from the police. (Company policies and procedures should have policies and procedures for this spelled out for the driver in simple easy steps to follow plan so when this occurs the driver is not at a loss on how to handle this situation). The passenger can then be banned from the vehicle if there are charges brought against the offender and results in a court order to do so; otherwise, the transit system can only suspend the offender for a limited number of days, weeks, etc. The transit system could ask for an attendant to accompany the passenger to help with this problem of violence, seriously disruptive or illegal behavior. This is mentioned as a solution in the ruling of (49 CFR 37.5)

23. Require the wheelchair to be secured in the designed securement area only, even if the passenger wants their mobility device to be secured in a non-designated area. (49 CFR 27.165)

Best Practice: If the passenger will not allow the driver to secure the wheelchair in a securement area designed for wheelchairs, then the driver has a right to deny the passenger a ride and they must vacate the vehicle. Under the rule of the ADA drivers are not required to transport a passenger who refuses to have their mobility device secured. *(If the transit system’s board-certified policies and procedures for the transportation of a wheelchair passenger says, all wheelchair passengers and*

passengers must be secured with proper tie-down and equipment and seatbelts, then the driver can refuse a ride, if the passenger does not agree to have their wheelchair secured before the vehicle is moved.) The wheelchair and its user can become a danger to other passengers on the vehicle, in the event of a sudden stop or collision.

24. Not pick up a passenger who uses a wheelchair if all the designated securement areas are being used. However, drivers must immediately inform the dispatcher that a passenger who uses a wheelchair still needs a ride. (49 CFR 37.165)

Best Practice: Inform dispatch that a passenger was unable to ride because all the securement areas are in use. Advise dispatch that the passenger in the wheelchair still needs a ride, ask how long it will be before a vehicle arrives to transport the passenger to their destination. Give the dispatcher the location of the passenger and directions, if necessary, path of travel (north on Wade Street or east on Cary Street).

25. Recommend or suggest that a passenger be transferred to a seat if the wheelchair cannot be satisfactorily secured. (49 CFR 37.65)

Best Practice: Remember the decision to transfer out of the wheelchair into a standard vehicle seat is solely up to the passenger. If the passenger refuses, the only alternative is to warn them about the danger of riding in a wheelchair that is unsecured in a moving vehicle. Refer to numbers 19 and 20.

26. Recommend or suggest a safer method for a passenger to board a vehicle, rather than standing on the vehicle lift. (49 CFR 37.165)

Best Practice: Refer to number 21 and suggest better methods of boarding the vehicle explaining the dangers of riding up on a lift. "ANYONE" could fall and be injured, etc.

NOTE:

Riding a vehicle lift while standing and/or remaining on some mobility devices (such as three-wheeled scooters) while riding a vehicle can be dangerous. Drivers are responsible for the safety of their passengers. They must also behave in a responsible manner to protect their transit system from lawsuits that could be brought up as a result of an injury caused by negligence. Since the Code of Federal Regulations states that individuals with disabilities can choose to ride the lift vehicle standing, and refuse to transfer into a vehicle seat, it is the driver's responsibility to make them aware of the dangers and to inform them of safer methods. If the drivers have a Manual of Best Practices tied into the transit system's policies and procedures that spell out the expectations of their duties that are laid out in the ADA, it will make the job easier and more professional on the driver's part.

USE OF "SEGWAY'S" ON TRANSPORTATION VEHICLES

DEPARTMENT OF TRANSPORTATION -- DISABILITY LAW GUIDANCE USE OF "SEGWAYS" ON TRANSPORTATION VEHICLES

This guidance document concerns the question of whether transportation entities (e.g., transit authorities, Amtrak) should permit the "Segway" personal transportation device to be used on transportation vehicles when used as a mobility device by people with disabilities.

The Segway is a two-wheeled, gyroscopically stabilized, battery-powered personal transportation device. The Segway is not designed primarily for use by individuals with disabilities, nor is it used primarily by such individuals. However, some individuals with disabilities may use a Segway as a personal mobility aid, in lieu of more traditional devices like a wheelchair or scooter.

The Department's ADA rule (49 CFR Part 37, §37.3) defines a "wheelchair" as "a mobility aid belonging to any class of three or four-wheeled vehicles, designed for and used by individuals with mobility impairments..." (emphasis added). By this definition, a Segway is not a wheelchair. However, a Segway, when used by a person with a disability as a mobility device, is part of the broad class of mobility aids that Part 37 intends to be accommodated (see for instance §§37.5 and 37.165). In this way, a Segway occupies a legal position analogous to canes, walkers, etc. Because a Segway is not a wheelchair, the ADA regulation's provisions for lift and securement use specific to wheelchairs (§37.165(a) – (e)) do not apply to Segways and their users. However, §37.165(g) requires transit providers to "permit individuals with disabilities who do not use wheelchairs" to use a vehicle's lift or ramp to enter the vehicle. Individuals who do not use wheelchairs commonly use the lift together with their non-wheelchair mobility devices, such as canes, crutches, or walkers. Under this provision, an individual with a disability who uses a Segway as a mobility device must be permitted to use the lift.

This is not to say that transportation providers are required to allow all Segway users to bring their devices on board a bus or train. Transportation providers may establish their own general policies regarding Segways and other devices, just as they do with respect to pets or bicycles. However, when a device is being used as a mobility device by a person with a mobility-related disability, then the transportation provider must permit the person and his or her device onto the vehicle. This is analogous to the situation in which a transportation provider has a general policy that does not permit pets to enter but must permit a person with a disability to bring a service animal into a vehicle.

Also, a transportation provider is not required to permit anyone -- including a person with a disability -- to bring a device onto a vehicle that is too big or that is determined to pose a direct

threat to the safety of others. With respect to size, a non-wheelchair mobility device that exceeds the size and weight standards for a wheelchair (i.e., 30 x 48 inches, measured two inches above the ground, and not exceeding 600 pounds, including the user) can reasonably be considered too large. The direct threat standard is intentionally stringent (i.e., requiring a determination that there is a significant risk to the health or safety of others that cannot be eliminated by modification of policies, procedures, practices, or by the provision of auxiliary aids or services). A transportation provider seeking to exclude a mobility device on direct threat grounds should first consult with the appropriate DOT operating administration for guidance.

We note that this analysis would apply to other situations. For example, a Federal Highway Administration-assisted recreational trail that normally cannot permit use by motorized vehicles should accommodate Segways when used as a mobility device by someone with a mobility-related disability.

This guidance has been approved through the Department of Transportation's Disability Law Coordinating Council as representing the official views of the Department on this matter.
September 1, 2005

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**Federal Transit Administration
ADA Information**

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Volume 1

What is the definition of a wheelchair?

Section 37.3 of the DOT's regulations implementing the Americans with Disabilities Act of 1990 (ADA) (49 CFR Parts 27, 37, and 38) defines a wheelchair as a mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A wheelchair does not exceed 30 inches in width and 48 inches in length, measured two inches above the ground and does not weigh more than 600 pounds when occupied.

Is an electric scooter or other mobility device a wheelchair?

If an electric scooter or other mobility device meets the physical specifications of a wheelchair as defined by the DOT's ADA regulations, it must be treated as a wheelchair.

May a transit operator require wheelchairs to be secured to the vehicle?

Yes, provided that the transit operator has established such a policy. Section 37.165(c)(3) of the DOT's ADA regulations allows a transit operator to establish a policy that requires all riders to have their wheelchairs secured while aboard a transit vehicle. Therefore, the operator may decline to provide service to a rider who refuses to allow his or her wheelchair to be secured.

Alternatively, transit operators may adopt a policy that allows wheelchairs to ride unsecured. If the rider wishes his or her wheelchair to be secured, however, the operator's personnel must provide the requested assistance.

What kinds of securement equipment must be provided?

Section 38.23(d) of the DOT's ADA regulations requires all ADA-compliant vehicles to have a two-part securement system, one to secure the wheelchair, and a seatbelt and shoulder harness for the wheelchair user. Section 38.23(a) requires vehicles over 22 feet in length to have enough securement locations and devices to secure two wheelchairs, while vehicles 22 feet and under must be able to accommodate at least one wheelchair.

May a transit operator deny boarding to a rider whose wheelchair is difficult to secure?

No. If the transit operator has a policy that requires securement, or if a rider asks that the wheelchair be secured, Section 37.165(f) of the DOT's ADA regulations requires transit personnel are to use their best efforts to secure any mobility device that meets the regulatory definition of a wheelchair. Section 37.165(d) states that transit operators cannot refuse to accommodate a wheelchair – including a scooter or other specialized mobility device that

complies with the ADA regulation's specifications -- because the wheelchair cannot be secured to the driver's satisfaction. Given the diversity of wheelchairs, transit operators should consult with the manufacturers of securement devices and wheelchairs, as well as the owner of the wheelchair, to determine the best means of securement.

Does a wheelchair user have to use the seatbelt and shoulder harness?

Under the broad non-discrimination provisions in Section 37.5 of the DOT's ADA regulations, a transit operator is not permitted to mandate the use by wheelchair users of seatbelts and shoulder harnesses, unless the operator mandates the use of these devices by all passengers, including those sitting in vehicle seats. For example, on fixed route buses, if none of the other passengers are required to wear shoulder belts then neither can the person in the mobility device be required to do so.

Transit operators may establish a policy that requires the seatbelt and shoulder harness to be used by all riders, including those who use wheelchairs as well as those who use vehicle seats, if seatbelts and shoulder harnesses are provided at all seating locations. In some cases, state law could require an operator to adopt such a policy.

What kind of services must transit personnel provide?

Because safe and nondiscriminatory transportation is the responsibility of the transit operator, Section 37.173 of the DOT's ADA regulations requires transit operators to train their personnel to properly assist and treat individuals with disabilities with sensitivity, and to operate vehicles and equipment safely. This includes training personnel to use the accessibility equipment and to accommodate the different types of wheelchairs.

Attendant-type services (e.g., carrying passengers, personal baggage, or suitcases) are not required, but assistance with boarding and disembarking, including pushing a manual wheelchair up a particularly steep ramp, is required.

What if the accessibility equipment is missing or not working?

Section 37.161 of the DOT's ADA regulations requires transit operators to maintain and repair the accessibility equipment. Section 37.163 requires public transit operators to establish a schedule or system to ensure regular and frequent maintenance checks and to take a vehicle out of service to repair or replace any broken or missing equipment before returning the vehicle to service. In some instances, a transit operator must provide alternative accessible transportation if the accessibility equipment is not present or not working.

Does a wheelchair need brakes in order to use public transit?

No. The DOT ADA regulations' definition of a wheelchair does not include a requirement for brakes or any other equipment. A transit operator may not deny transportation to a wheelchair user because the wheelchair does not have brakes, or the user does not choose to set the brakes.

Can an operator refuse to carry a person with a disability, especially a person using an electric scooter that meets the definition of a wheelchair, because of higher insurance rates or liability concerns?

No. Section 37.5(g) of the DOT's ADA regulations prohibits an operator from denying service to an individual with a disability because its insurance company conditions coverage or rates on the absence of individuals with disabilities or persons who use wheelchairs.

Can a transit operator require a person to transfer from a wheelchair to a vehicle seat?

No. Section 37.165(e) of the DOT's ADA regulations allows persons who use wheelchairs to transfer to a vehicle seat, if one is available. Such a move is the rider's decision, and the transit operator cannot force a rider to transfer to a vehicle seat, although the transit operator can suggest a transfer in a non-coercive way.

For more information on this and other topics related to the ADA and public transit, contact:

ADA Assistance Toll Free Telephone Line:

1-888-446-4511

**Federal Transit Administration
Office of Civil Rights
East Building – 5th Floor, TCR
1200 New Jersey Ave., SE
Washington, DC 20590**

ADA Assistance Email :
[**FTA.ADAAssistance@dot.gov**](mailto:FTA.ADAAssistance@dot.gov)

ONSLow UNITED TRANSIT SYSTEM, INC. POLICIES IN RELATION TO ADA

SERVICE ANIMAL POLICY AND GUIDELINES

Onslow United Transit System, Inc. seeks to accommodate persons with disabilities who need the assistance of service animals. OUTS is simultaneously mindful of the health and safety interests of its general public community. These guidelines are aimed at meeting these concerns. Onslow United Transit System, Inc. is responsible for implementing this policy. Success requires the cooperation of drivers, staff, and the general public.

Definitions:

“Disability” means a sensory, mental, or physical condition or impairment that is medically cognizable or diagnosable, and that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, breathing, working and learning.

“Service Animal” means any dog guide, signal dog, or other animal individually trained to perform tasks for an individual with a disability. Examples of such work or tasks include guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, pulling a wheelchair, providing minimal protection or rescue work, a health impairment, a seizure disorder, or persons with psychiatric disabilities, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA regulations.

I. Responsibility of Persons Who Have Service Animals:

The care and supervision of a service animal is the responsibility of the individual who uses the animal’s service. The person must always maintain control of the animal. The person is responsible for ensuring the clean-up of all animal waste.

Vaccination: Each service animal must be immunized against diseases common to that type of animal. Dogs must have current vaccination against rabies, distemper, and parvovirus. Dogs must wear a current rabies vaccination tag and license. As stated in Section 4-21 of Onslow County Ordinance.

Leashing: Service animals must always be on a leash.

II. Service Animals Riding with Onslow United Transit System, Inc.

A person with a disability who utilizes a service animal must register with Onslow United Transit System, Inc.

III. Onslow United Transit System, Inc. drivers and staff are expected to abide by the following practices:

- a. always allow a service animal to accompany the handler
- b. not touch or feed a service animal unless invited to do so;
- c. not deliberately startle a service animal, and,
- d. not separate or attempt to separate a service animal from its handler.

IV. Removal of Service Animals from Onslow United Transit System, Inc.

A service animal may be removed from OUTS if its behavior is disruptive (e.g. barking, running around, displaying aggressive behavior). If such behaviors persist, the handler may be directed not to bring the animal on the van until the problem is remedied. Unclean service animals are not permitted on the vans. The handler for such an animal may be required to remove the animal.

OXYGEN BOTTLE PROCEDURES

The Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) recommends that bus/vans and train operators take the following precautions to assure that medical oxygen being transported for passengers' personnel use is handled and transported safely.

For Transportation in the Passenger Compartment:

- Oxygen should be transported on a bus/van or train only when medically necessary.
- Oxygen should be transported in a cylinder maintained in accordance with the manufacturer's instructions. The manufacturer's instructions and precautions are usually printed on the label attached to the cylinder.
- Before boarding, inspect each cylinder to assure that it is free of cracks or leaks, including around the valve area and pressure relief device. Listen for leaks; do not load leaking cylinders on the vehicle. Visually inspect the cylinders for dents, gouges, or pits. A cylinder that is dented, gouged, or pitted should not be transported.
- Limit the number of cylinders to be transported on board the vehicle to the extent practical. If possible, transportation in the passenger compartment should be limited to one cylinder per person.
- Cylinders used for medical oxygen are susceptible to valve damage if dropped. Handle these cylinders with care during loading and unloading operations. Never drag or roll a cylinder. Never carry a cylinder by the valve or regulator. Carry the cylinder carefully using both hands.

- Do not handle oxygen cylinders or apparatus with hands or gloves contaminated with oil or grease.
- Each cylinder should be secure to prevent movement and leakage. Each cylinder should be loaded and secured in an upright position. **“Secured” means that the cylinder is not free to move when the vehicle is in motion.**
- Oxygen cylinders or other medical support equipment should never be stored or secured in the aisle. Make sure that the seating of the passenger requiring oxygen does not restrict access to exits or use of the aisle.
- Since the release of oxygen from a cylinder could accelerate a fire, each cylinder should be secured away from sources of heat or potential sparks.
- Under no circumstances should smoking or open flames (cigarette lighter or matches) be permitted in the passenger compartment when medical oxygen is present.
- When you reach your destination, immediately remove all cylinders from the vehicle.

For further information, contact PHMSA’s Hazardous Materials Information Center at 1-800-467-4922.

WHEELCHAIR BOARDING METHODS

Customers’ safety depends on more than just safely transporting them to their destination; their safety will also depend on how well wheelchairs are boarded and secured. **If there is any reason you believe that the combined weight of the wheelchair and the client is over 600 lbs. you must notify the dispatcher immediately.**

- Roll the wheelchair onto the lift, making sure that the front wheels are inside the platform roll stop while the roll stop is in the upright position.
- Lock the brakes.
- If the passenger has the capability to do so, ask the passenger to hold on to the handrails provided on the lift. If the passenger does not have the capability to hold onto the handrails, ask the passenger to hold his/her hands in his/her lap.
- Ask the passenger if he/she is ready, then operate the lift for boarding. Keep one hand on the lift controls. Ask the passenger if it is okay for you to rest your other hand lightly on the armrest of the wheelchair as the lift goes up while you stand on the ground; this will keep you alert to the stability of the chair while also providing the passenger with psychological comfort.
- Make sure that the lift is level with the floor before stopping. Be sure that there is a smooth surface created by the vehicle transition plate so that the wheelchair rolls smoothly over it and into the vehicle.

- From inside the vehicle, hold the wheelchair handle as you unlock the brakes. (Turn the power back on or engage the clutches of a motorized wheelchair if needed.)
- Make sure the passenger's head does not hit the ceiling upon entering the doorway.
- The ADA states that wheelchairs should always be secured facing the front of the vehicle, with the exception given to some older vehicles that are not yet appropriately equipped or the size of wheelchairs and floor plan of new vehicles.
- The driver should never stand on the lift.

WHEELCHAIR LIFT AND SECUREMENT POLICY

Always follow the guidelines below to ensure safe lift operation and passenger safety:

- Follow agency procedures regarding regular lift inspections and use the preventive maintenance guidelines provided by the NCDOT Public Transportation Division.
- Always inspect a lift prior to each use (look for loose nuts, bolts,) – During pre-inspection of vehicle when performing a run through of the lift cycle.
- Before deploying a lift for use, safely park the vehicle on level ground, turn the engine off (unless otherwise specified by the manufacturer) and check for obstacles to avoid in the area where lift is to be deployed. Make sure that hands, feet, and clothing are away from folding parts of the lift.
- Only passengers and/or their mobility devices should ride the lift. Passengers who need to ride the lift and do not have a mobility device may ride lift also. Noted on manifest.
- When operating a lift with a passenger on it, allow the lift to go all the way up to floor level or down to the ground without stopping.
- Have the passenger use the handrails.
- Never leave a passenger unattended on a lift. If possible, have a family member stand by the lift to give the passenger moral support.

Assisting Wheelchair Users on the Lift:

- Wheelchair users can choose to ride a lift either facing away from the vehicle or facing the vehicle. The preferred method is to have the passenger facing away from the vehicle because it positions the bulk of the weight where there is more structural support and allows the driver to pull the wheelchair into the vehicle or push the wheelchair onto the lift by the handgrips.

- In the preferred positions, the small front wheels of the wheelchair are less likely than the large back wheels to roll over the platform roll stop.
- The preferred position also reduces the possibility of the passenger's feet or toes getting caught between the lift platform and the vehicle when the passenger is riding upward.

SECURING AN OCCUPIED WHEELCHAIR

To ensure the safety of your passengers, consistently use good practices in handling wheelchairs:

- **Always** use a four-point tie-down to the floor of vehicle.
- Tie-downs should be attached to the strongest part of the device, the frame, rather than wheels or other weak parts.
- Lap boards or metal and plastic trays attached to the chairs should be removed and secured. Often, the parents of a child who uses a wheelchair do not want the driver to remove these devices, but passenger safety requires them to be removed.
- Any liquid oxygen being transported should be securely mounted and fastened to prevent damage and exposure to intense heat.
- Aspirators, ventilators, and other equipment for a child must be securely mounted to the wheelchair or the vehicle.
- Never restrain a child's head separately such as with a headband attached to the back of the seat. Restraining a child's head separately can cause excessive strain on the child's neck. Many children now have special neck braces to support their head during transport.

HELPING PASSENGERS WITH PERSONAL ASSISTANCE DEVICES

Use the following guidelines when you are interacting with a passenger who has special needs:

Assisting Passengers who are Using Canes or Critters:

- Always ask the disabled passenger if you can assist her/him prior to assisting the passenger
- Assist from the opposite side of the crane.
- Canes, walkers and other personal assistance devices should be stored so that they do not interfere with movement in the vehicle.
- Amputees should be seated in cool areas during hot weather.

Assisting Developmentally Disabled Passengers:

- Treat the passengers with respect.
- Be patient and repeat instructions when necessary.
- Be firm if they insist on doing something that will endanger you, them, or the other passengers.

Assisting Hearing-Impaired Passengers:

- Look directly at them so they can see your lips.
- Talk normally (do not shout) and do not exaggerate your speech.
- Be prepared to repeat yourself.
- Get another person to talk to them if the passenger t has trouble reading your lips.
- Use a pad and pencil when

Assisting Speech-Impaired Passengers:

- Do not hesitate to ask speech-impaired persons to repeat anything that you do not understand.
- Be patient; the passenger's speech condition may become more difficult to understand if the passenger is under stress.

Assisting Passengers with Visual Impairments:

- Don't touch the passenger until you tell them who you are and what you intend to do.
- Do not shout at the passenger.
- Before boarding the passengers, take their hand and show them the door openings as well as the seat and mention any hazards.
- When escorting the passenger, remain on the opposite side of their cane and have them hold your arm. Advise the passenger of any changes in ground texture or elevation level.
- When walking with a passenger, call out turns and maneuvers at least 5 steps in advance.
- If the passenger uses a service animal, it may be helpful to learn the name of the animal for future reference. Avoid any abrupt movements toward the animal or the passengers.
- Seat visually impaired passengers against vehicle walls when possible or seat the passengers in seats with arm rests in order to assist them in keeping their balance.

PROCEDURES TO HANDLE INDEPENDENTLY CHALLENGED PASSENGERS IF NO ONE IS AT THEIR POINT OF DESTINATION

Onslow United Transit System, Inc. transports passengers that do not have the mental or physical capabilities to be left at their point of destination alone and unsupervised. In the event the situation occurs the driver will not leave an independent challenged passenger alone on their doorstep. If the above happens the OUTS driver will follow the following procedure immediately: **Contact OUTS dispatch**

TRANSPORTING ELDERLY PASSENGERS PROCEDURES

Use special care in serving elderly passengers:

- Dispatcher and Staff needs to be especially patient when giving elderly passengers information regarding bus/vans routes and schedules.
- Give elderly passengers more time to get on or off the van/bus.
- Ask the elderly passengers if they would like your assistance before assisting them.

- If the elderly passenger refuses assistance, stay close to prevent them from tripping or falling.
- When assisting elderly passengers, do not put too much pressure on the passenger's arm.
- When letting elderly passengers on or off a vehicle, pull the vehicle close to the curb so the passenger won't have to step very far.
- Reserve front seats for elderly passengers unless your company policy specifies another seating area.
- Be sure elderly passengers do not sit too close to heaters or other such hazards.
- Elderly passengers may need to be reminded where to get off the vehicle.
- Keep temperature controls warm in the winter and cool in summer.
- In cases of emergencies, drivers should notify dispatchers about possible health problems of elderly passengers.