

**The Arc of Tri-Cities**

**Transportation ADA Policy**

**ADA Policy**

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

It is the policy of The Arc of Tri-Cities that, when viewed in their entirety, services, programs, facilities, and communications provided by The Arc of Tri-Cities, 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)

1. **Approved Equipment**

Passengers will be transported, provided the lift 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 specifications).  Additionally, The Arc of Tri-Cities can accommodate mobility devices that meet the following minimum standards:

* *Wheelchair* means a mobility aid 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 able to be stored between seats or in the vehicle’s trunk.
* The mobility device must be in good working order; with batteries charged, tires inflated, footrests attached, and all parts secure. (49 CFR 37.3)
1. **Mobility Device Brakes**

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. Again, this is not mandatory.

1. **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))

1. **Securement Policy**

Operators will use front and rear tie-downs to secure mobility devices. Operators will secure mobility devices at the strongest parts of the device; however, the passenger can indicate the most optimal tie-down spot. The mobility device will be secured front facing unless otherwise requested by the passenger. Drivers will assist passengers with securement systems, ramps, and seatbelts; however, drivers cannot assist riders using power chairs or scooters with the operation of their equipment. The Arc of Tri-Cities cannot refuse to transport someone whose mobility device cannot be satisfactorily restrained provided that mobility device fits within the definition described in Section 3. (49 CFR 37.165)

1. **Personal Care Attendants**

A Personal Care Attendant (PCA) may ride with you at no charge. A PCA is someone who travels with, and helps, a rider who is not able to travel alone. You must provide your own PCA if you need one. When booking a ride, please let us know that you will be using a PCA. This information will guarantee a place for him or her to ride with you. Guests and companions may ride with you on Arc of Tri-Cities transportation with prior permission. A companion is anyone who rides with you who is not designated as your PCA. (49 CFR 37 (d))

1. **Service Animals**

A service animal is any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability. In order to ride vehicles operated by The Arc of Tri-Cities:

* The animal must be on a leash or in a container, remain under control of the owner, and behave appropriately.
* Birds, reptiles, amphibians, rodents, and cats must be kept in an enclosed carrier/container.
* The animal must remain at your feet or on your lap. It may not sit on a vehicle seat.
* The animal must not be aggressive toward people or other animals. (49 CFR 37.167 (d))
1. **Boarding Assistance**

Operators shall position the bus to make boarding and de-boarding as easy as possible for everyone, minimize the slope of the ramp, and use the kneeling option as needed. Bus operators shall provide assistance to passengers upon request. Passengers with disabilities shall be allowed adequate time to board and disembark the vehicle.

1. **Maintenance of Lifts or Ramps**

*When applicable*, bus operators must test the lift or ramp during the pre-trip inspection. Breakdown of accessibility equipment must 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 if the next trip to the destination of any passenger using a mobility device is scheduled in more than 30 minutes. If the next trip to the destination of any passenger using a mobility device is scheduled in 30 minutes or less, a replacement vehicle may be dispatched if available. (49.CFR 37.163)

1. **Priority Seating**

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

1. **Reserved Seating**

Mobility device securement areas on buses are reserved. Passengers using common 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.

1. **Suspension of Service**

A rider’s privileges may be suspended for any of the following infractions on any Arc of Tri-Cities’ property or vehicles:

* Smoking, vaping, e-cigarettes or carrying a lit pipe, cigar, or cigarette (unless in a designated smoking area).
* Discarding or dumping litter in places other than the recognized receptacles.
* Consuming alcoholic beverages or in procession of alcoholic beverages.
* Loud, raucous, unruly, harmful, or harassing behavior.
* Possessing an unissued transfer.
* Engaging in other conduct that is inconsistent with the intended purpose of the transit facility, station, or vehicle. **(**RCW 9.91.025)
1. **Notification of Policy**

The Arc of Tri-Cities will notify the public of the ADA policy on its website and in other relevant written materials.

1. **Complaint Process**

The Arc of Tri-Cities is committed to providing safe, reliable, and accessible transportation options for the community. The Arc of Tri-Cities has established a Customer Complaint Policy and customers wishing to file a complaint and/or obtain a copy of the Customer Complaint Policy may contact The Arc of Tri-Cities at (509) 783-1131, or in person at 1455 SE Fowler Street, Richland, WA. (RCW 46.07b)

1. **Reasonable Modification**

Requests for modifications of The Arc of Tri-Cities’ 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.  The Arc of Tri-Cities is best able to address and accommodate a request when customers make their requests in advance of the trip.

1. **Direct Threat**

If a person is violent, seriously disruptive, or engaging in illegal conduct The Arc of Tri-Cities 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 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 The Arc of Tri-Cities 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 excluded from the system due to a direct threat have the ability to request an administrative appeal by contacting The Arc of Tri-Cities Transportation Department at (509) 783-1131 x131.

Approved by Executive Director: August 14, 2019

Approved by the Board of Director’s September 19, 2019