



ADA Policy

Transportation Services

Reviewed
January 24, 2020

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act, the enclosed ADA Policies and Procedures have been created and implemented by Tri-County Community Council, Inc. to ensure all people full and equal access to transportation services regardless of disability. Policy includes process for requesting Reasonable Modification of policies and procedures as well as Grievance process

Tri-County Community Council, Inc.

Americans with Disabilities (ADA) Policy for Transportation Services

Basic Requirements

The Americans with Disabilities Act (ADA) is a federal law that guarantees people full and equal access to the same services and accommodations regardless of disability.

The main tenet of ADA transportation regulation is: *“No entity shall discriminate against an individual with a disability in connection with the provision of transportation service.”*

Service Delivery Requirements

Access to information: All information is made available to the users of transportation service in multiple formats for people with disabilities. User guides, policies, procedures, and forms can be printed in larger font for visually impaired customers. Tri-County Community Council, Inc. also posts ADA associated information on website at www.tricountycommunitycouncil.com. All Microsoft computers are equipped with a feature called Narrator that will convert text to speech when enabled so all website material can be heard by vision impaired individuals. Upon request staff will conduct face to face interview with customers that need assistance. If customer doesn't have access to a computer, an audio tape can be provided with pertinent ADA information.

Access to communications: Tri-County Community Council, Inc. utilizes the Florida Relay System which allows persons with speech or hearing impairments access to information that is provided by telephone. This service is available 24 hours a day, 7 days a week at no cost to the caller.

Employee training: ADA regulations require:

“Each public or private entity which operates a fixed route or demand response system shall ensure that personnel are trained to proficiency as appropriate to their duties so that they operate vehicles and equipment safely and properly and treat individuals with disabilities who use the service in a respectful and courteous way with appropriate attention to the differences among individuals with disabilities.”

Tri-County Community Council, Inc. requires all employees be trained according to ADA regulations and this required training be incorporated in the overall training program of all transportation employees. This training shall include passenger sensitivity and disability awareness training.

Equipment maintenance: It is the policy of Tri-County Community Council, Inc. that all lifts, securement systems, and other access-related equipment be maintained in safe, operating condition. If damaged or out of order, this equipment will be repaired promptly. When equipment is out of order, reasonable measures will be taken to accommodate riders who would otherwise use the equipment.

Lift and securement use: It is the policy of Tri-County Community Council, Inc. that all people using wheelchairs and other powered mobility devices must be allowed to ride the entity's vehicles. A "wheelchair" is defined as 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. A lift conforming to ADA requirements has a platform measuring and least 30" x 48", with a design load of at least 600 pounds (i.e., capable of lifting a wheelchair/occupant combination of up to 600 pounds). There are some very large or heavy wheelchairs that exceed the weight limit and dimensions set forth in the ADA guidelines. In these cases, ADA regulations allow entities to refuse service regardless of other qualifying functional limitations that the rider may have.

Tri-County Community Council, Inc. requires that all wheelchairs be secured during transport. Drivers are responsible for safely operating the lift and properly securing the wheelchair in a forward-facing position using the securement system in the vehicle.

It is the policy of Tri-County Community Council, Inc. that all passengers, both ambulatory passengers and those that use mobility aids, must wear seat belts.

When transporting users of three-wheeled wheelchairs or other mobility devices that pose securement problems, Tri-County Community Council, Inc. drivers can request that the user transfer to a vehicle seat. It is not a requirement that the rider make this transfer. Drivers can explain to riders the reasons for requesting a transfer but must allow them to make the final decision on whether a transfer is appropriate given their particular disability. Tri-County Community Council, Inc. drivers will be provided training on the proper techniques for assisting passengers in transferring from their three-wheeled wheelchair to a vehicle seat.

Tri-County Community Council, Inc. policies require that a person who cannot enter a vehicle using the stairs but who does not use a wheelchair must be allowed to enter the vehicle using the lift. All lifts must be properly equipped with handrails on both sides of the lift.

Accommodating mobility aids and life support systems: Tri-County Community Council, Inc. policies permit ADA paratransit eligible riders to travel with service animals. Service animals are animals that are individually trained to perform tasks for people with disabilities, such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Tri-County Community Council, Inc. drivers may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but cannot require special ID cards for the animal or ask about the person's disability. A service animal may not be excluded unless the animal is out of control and the animal's owner does not take effective action to control it or the animal poses a direct threat to the health or safety of others. Please refer to Tri-County Community Council, Inc.'s Service Animal Policy for additional information regarding service animals. **Addendum 1**

In addition, Tri-County Community Council, Inc. policies allow riders to travel with respirators and portable oxygen. Travel with this equipment can only be denied if it would violate rules concerning the transportation of hazardous materials. In general, the transport of common types of portable life support equipment is not prohibited. Cylinders of oxygen used by passengers for health reasons, for example, are not subject to the Hazardous Materials Regulations.

Attendant policies/refusing service: Personal care attendants (PCAs) must be permitted to accompany riders and are not considered companions. PCAs are not charged a fare. Tri-County Community Council, Inc. requires individuals indicate the need to travel with a PCA when they request transportation service and go through eligibility process.

Tri-County Community Council, Inc. cannot require that an individual travel with an attendant. If Tri-County Community Council, Inc. feels that a rider would benefit from the aid of an attendant, this can be suggested. Service cannot be refused, however, if the person decides to continue to travel independently.

Service can only be refused if a rider engages in “violent, seriously disruptive, or illegal conduct.” Seriously disruptive conduct does not include behavior or appearance that only offends, annoys, or inconveniences other riders or employees.

Additional charges: Special fares and charges, beyond those required of other riders, will not be imposed on persons with disabilities even if additional services are required.

Boarding/disembarking time: Adequate time must be provided for persons with disabilities to board and disembark from vehicles.

Request for Reasonable Modification of Policy: The Department of Transportation has revised its rules under the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act of 1973. It now specifically states transportation entities are required to make reasonable modification to policies, practices and procedures to avoid discrimination and to ensure people with disabilities full and equal access to the same services and accommodations available to people without disabilities.

Any person who feels they have been discriminated against can request a reasonable modification of Tri-County policy and practices by using the attached form. **Addendum 2**

Guidelines for requesting reasonable modification of policy/practices are:

- 1) Individual should state what they need to use the service.
- 2) The individual is not required to use the term “reasonable modification” when making the request.
- 3) Whenever feasible, requests for modification shall be made and determined in advance prior to when agency is expected to provide the modified service, for example during

the eligibility process, through customer service inquiries or through agency complaint process.

- 4) When the request for modification cannot practicably be made and determined in advance, operating personnel may make a determination of whether the modification should be provided at the time of request. If at all possible, operating personnel should consult with management before making a determination to grant or deny the request.

Request for modification of policy or practices may be denied only on one or more of the following grounds:

- 1) Granting the request would fundamentally alter the nature of the entity's services, programs, or activities.
- 2) Granting the request would create a direct threat to the health or safety of others.
- 3) Without the requested modification, the individual with a disability is able to fully use the entity's services, programs, or activities for their intended purpose.
- 4) In any case in which a public entity denies a request for reasonable modification, the entity shall take, to the maximum extent possible, any other actions (that would not result in a direct threat or fundamental alteration) to ensure the individual with a disability receives the services or benefit provided by the entity.

When processing your ADA reasonable modification request, there are three different types of eligibility determinations considered. The eligibility determination types are:

- 1) Unconditional eligibility – individual is eligible for all trips with ADA transportation
- 2) Conditional or trip-by-trip eligibility – individual may be eligible for certain trips or trip-by-trip basis.
- 3) Temporary eligibility – individual is eligible for ADA transportation on a temporary basis. The length of time varies on customer's needs.

Request for modification of policy should be sent to:

Joel Paul, Executive Director / ADA Coordinator
Tri-County Community Council, Inc.
P.O. Box 1210
302 North Oklahoma Street
Bonifay, FL 32425
TEL 800-395-2696
TDD 850 547-3680 (Florida Relay System)
FAX 850-547-9806
Email: joelpaul.tccc@mchsi.com

Grievance Policy: Tri-County Community Council, Inc. has established this complaint procedure to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision or access of transportation services provided by the agency. This Complaint Procedure does not apply to complaints relating to employment by Tri-County Community Council, Inc.

The complainant should utilize the attached form when submitting complaint. **Addendum 3**

Alternative means of filing complaints, such as personal interview or an audio recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the complainant and/or his or her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Joel Paul, Executive Director / ADA Coordinator
Tri-County Community Council, Inc.
P.O. Box 1210
302 North Oklahoma Street
Bonifay, FL 32425
TEL 800-395-2696
TDD 850 547-3680 (Florida Relay System)
FAX 850-547-9806
Email: joelpaul.tccc@mchsi.com

Within 15 calendar days after receipt of the complaint, Tri-County Community Council, Inc. ADA Coordinator or designee will meet with or communicate with the complainant to discuss the complaint and the possible resolution(s). Within 15 calendar days of the initial meeting or communication, Tri-County Community Council, Inc. ADA Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio recording. The response will explain the position of Tri-County Community Council, Inc. and offer options for substantive resolution of the complaint.

All written complaints received by Tri-County Community Council, Inc. alleging discrimination on the basis of disability and the responses to these complaints will be retained by Tri-County Community Council, Inc. for at least three years.

Tri-County Community Council, Inc.

Service Animal Policy

In accordance with the Americans with Disabilities Act (ADA), all transit passengers will be permitted to travel with a service animal trained to assist them. ADA regulations at 49 C.F.R. Section 37.3 define a service animal as “any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.”

Please notify Tri-County Community Council, Inc. in advance if you intend to bring a service animal with you.

Animals that are not trained to do work or perform tasks are not considered to be service animals (49 C.F.R. Section 37.167(d)). For example, emotional support animals, which provide emotional support, well-being, comfort, or companionship to an individual with disabilities, but are not trained to do work or perform tasks, are not considered to be service animals.

If you are planning on riding on Tri-County Community Council, Inc. with a service animal, please follow these guidelines:

- Service animals are to be properly leashed and/or harnessed and under the control of their handlers at all times.
- The service animal must remain at your feet or on your lap. The service animal may not sit on a vehicle seat.
- The service animal must not be aggressive toward people or other animals.
- You are responsible for any damages or soiling caused by the service animal.
- The rider may be asked to remove his/her service animal from the vehicle if:
 - The animal is out of control and the rider does not take effective action to control it.
 - The animal poses a direct threat to the health or safety of others.
- You are responsible for the care and supervision of your service animal while on board the vehicle.

**TRI-COUNTY COMMUNITY COUNCIL, INC.
REASONABLE ACCOMMODATION REQUEST FORM**

Name: Address: Telephone: E-mail:	
What type(s) of disabilities prevent you from using Tri-County Community Council, Inc. transportation services? (physical, developmental, visual impairment/blindness, mental illness, other)	
Is the disability described above temporary or permanent? If temporary, how long?	
What mobility aids do you use?	
Do you have a Personal Care Assistant that will be traveling with you?	
What specific accommodation are you requesting?	
If you are not sure what accommodation is needed, do you have any suggestions on what changes could be made that would allow you to utilize transportation services? If yes, please explain.	
<i>Determination – Staff Use Only</i>	
Is the modification needed for the person to fully benefit from the transportation service? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Does the modification fundamentally alter the nature of the service? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Does the modification create a direct threat to the health and safety of others? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Modification Granted? Yes <input type="checkbox"/> No <input type="checkbox"/>	Reason for denial
Type of modification N/A <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary <input type="checkbox"/>	If temporary, how long is modification needed?
If modification not granted, are there any options available that would allow the customer to use the service without compromising the nature of the service or causing harm to others?	
If yes, provide explanation.	
Method the requestor is notified of the decision and additional actions proposed, if any.	
Signature – Executive Director/ADA Coordinator	Date

If you need more space, attach additional sheet(s) and any other documentation that would assist us in meeting your request for Reasonable Accommodation.

**TRI-COUNTY COMMUNITY COUNCIL, INC.
ADA COMPLAINT FORM**

Name (Complainant)		Person discriminated against (if other than complainant)	
Address		Address	
Telephone		Telephone	
E-mail address		E-mail address	
Name of person(s) who allegedly discriminated against you. (if known)	Date of alleged incident	Location of alleged incident	
Type of alleged discrimination		Explain what happened and how you believe you were discriminated against (how you feel other people were treated differently than you). Indicate who was involved and what their role was.	
Fully identify any person(s) we may contact for additional information to support or clarify your allegations (name, address, telephone)			
Please provide any other information that is relevant to an investigation of this complaint.			
How can your issue be resolved to your satisfaction?		If you have filed this complaint with Tri-County before, please provide date.	
Signature by ADA Coordinator / Investigator (Executive Director)		Date:	

If you need more space, attach additional sheet(s) and any supporting documentation you may have. Within 15 calendar days after receipt of the complaint, the ADA Investigator or designee will contact the complainant to discuss the complaint and possible resolutions. The response will explain the position of Tri-County Community Council, Inc. and offer solutions for substantive resolution of the complaint.