AMERICANS WITH DISABILITIES ACT PLAN

Including policies regarding General ADA Requirements, Reasonable Modifications, No Shows, Disruptive Passengers, and a Suspension Appeals Process

Version 0126

for

Delaware County Transit

Approved by:

Delaware County Transit
Board of Directors

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I. Introduction and Purpose

The Americans with Disabilities Act of 1990 (ADA) requires that individuals with disabilities receive the same level of service as non-disabled individuals. Services that are "separate but equal" are not acceptable. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and any applicable state laws and regulations. Delaware County Transit operates a demand-response service and complies with ADA requirements with respect to such services.

ADA POLICY STATEMENT

It is the policy of Delaware County Transit to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. The transit system provides quality transportation services without discrimination to all persons, including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets the following goals:

1. Provides safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. Expedites the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
3. Accommodates a wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

Applicability: This policy applies to all transit system employees, services, facilities, and vehicles. It applies equally to all people needing and/or using the services provided by the system.

Definitions:

Disability: 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.

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Securement Area or Station: A designated location for riders using wheelchairs, equipped with a securement system.

Securement Device, Equipment or System: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been 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.

Wheelchair: A mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

II. General Guidance and Procedures for Implementing Policy

RECRUITMENT AND EMPLOYMENT

As stated in the transit system's personnel policies, the agency is an Equal Opportunity Employer (EOE) and fully complies with ADA in its recruitment, hiring, and continued employment practices.

FACILITY AND VEHICLE ACCESSIBILITY

The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the State of Ohio. If state requirements do not meet federal requirements, the federal ADA regulations prevail. Vehicles purchased for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities. The transit system will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

VEHICLE AND ROUTE ASSIGNMENT (EQUIVALENT SERVICE)

The demand response system of Delaware County Transit, when viewed in its entirety, is accessible. All trips by wheelchair users will be assigned to accessible vehicles. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. Trip denials will be tracked by whether or not a rider requires use of the lift or ramp, to monitor that service is not disproportionately denied to individuals with disabilities because an accessible vehicle is not available. Delaware County Transit provides demand response rural public transportation and provides equivalent service to individuals with disabilities, that is consistent with U.S. DOT ADA regulations under 49 CFR Part 37, Section 37.77. This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided other individuals with respect to:

- Response time
- Fares

- Geographic area of service
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservations capability
- Any constraints on capacity or availability

MAINTENANCE OF ACCESSIBLE FEATURES

Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of Delaware County Transit provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection.

INOPERATIVE LIFTS AND RAMPS

Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts will be removed from service and replaced with an accessible vehicle until the inoperative lift is repaired. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be (or is not) deployed manually, the transit agency will apply the policy for a vehicle with an inoperative lift.

If there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service Delaware County Transit is able to provide, Delaware County Transit may keep the vehicle in service with an inoperable lift for up to, but no more than 3 days - since Delaware County Transit serves an area of over 50,000 in total population.

WHEELCHAIR ACCOMMODATION

All accessible vehicles meet or exceed the requirements of 49 CFR Part 38. Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), Delaware County Transit will transport the device (and its user).

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, transit agency personnel are not permitted to operate a passenger's wheelchair (i.e. a motorized wheelchair). The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

BOARDING

Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. Only a properly trained transit system employee can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

WHEELCHAIR SECUREMENT

Delaware County Transit requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

Securement of wheelchairs is the responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Drivers will listen to and respect riders' instructions on how to secure their equipment. Drivers cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer. The rider may be in the best position to instruct the driver on how to properly secure their mobility device.

If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride in the vehicle. Seat belts and should harnesses shall not be used in lieu of a device which secures the wheelchair or mobility aid itself (per 49 CFR 38.23(d)(7)).

Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

In cases where an individual using a wheelchair attempts to board and requires use of a securement location that is currently occupied by another passenger that is not using a wheelchair, the driver will ask that passenger to allow the individual using a wheelchair to use the securement position.

SEAT BELT USAGE

When riding in a Delaware County Transit vehicle, seat belts and shoulder harnesses:
are recommended but not required for passengers (including those riding in a secured wheelchair) not sitting in the front seat of a vehicle.

DRIVER ASSISTANCE

Drivers will make themselves available to assist individuals with disabilities and will assist upon request of the passenger. Drivers will assist a passenger with using the vehicle ramp, lift and/or securement systems using accessibility-related equipment and features on their vehicles.

USE OF LIFT OR RAMP BY INDIVIDUALS WITH DISABILITIES NOT USING A MOBILITY DEVICE

The driver will deploy the lift or ramp for an individual with a disability who is not using a mobility device to board or alight the vehicle upon request.

ACCOMMODATION OF OTHER MOBILITY DEVICES

Mobility devices that are not wheelchairs, but which are primarily designed to for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift or ramp and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

TRANSFER TO FIXED SEATING

All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, wheelchairs users to transfer to fixed seating. No waivers are allowed to be required.

ACCOMMODATION OF PORTABLE OXYGEN

Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C. Oxygen tanks or other related items deemed dangerous must be secured.

PRIORITY SEATING

With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating.

Priority seating for seniors and individuals with disabilities is to be designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that is currently occupied by another passenger, the driver will ask that passenger to move so as to allow the individual with a disability use of the priority seating. In cases where a wheelchair user requires the use of a securement location, the driver will ask any passenger (including other passengers with disabilities) to vacate the securement location.

SERVICE ANIMALS

Delaware County Transit permits service animals to accompany individuals with disabilities in all vehicles and facilities in accordance with 49 CFR § 37.167(d). 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.

- No Prohibited Conditions: The Agency will not require special identification cards, medical documentation, or proof of training for the service animal.
- Broad Species & No Breed Bans: Service animals are not limited to dogs (though dogs are most common) and the Agency does not impose breed-specific restrictions.
- Control and Restraint: Service animals must be under the control of their handler at all times via voice, signals, or other effective means. A leash or harness is not required if it interferes with the animal's work or if the rider's disability prevents its use.
- Inquiries: Personnel may only ask two questions if an animal's status is not obvious: (1) Is the animal a service animal required because of a disability? and (2) What work or task has the animal been trained to perform?
- Exclusion Criteria: An animal may only be excluded if it is out of control and the handler does not take effective action to control it, if it is not housebroken, or if it poses a direct threat to the health or safety of others.

ALIGHTING

It is the responsibility of the driver to determine that the location for passenger alighting is safe. The driver will allow a passenger who uses the lift or ramp to alight at any stop, unless the lift or ramp cannot be deployed, will be damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair and operate the lift or ramp to return the passenger to the ground level.

PASSENGER ASSISTANCE AND STAFF TRAINING

Delaware County Transit ensures that all personnel—including drivers, dispatchers, and customer service staff—are trained to proficiency as appropriate to their duties. This training program is designed to ensure that staff:

- Operate Equipment Safely: Personnel are proficient in the safe use of vehicles, lifts, ramps, and securement systems.
- Provide Proper Assistance: Drivers will assist individuals with disabilities upon request with boarding and disembarking, including the use of vehicle ramps and securement devices.
- Interact with Respect and Sensitivity: Staff are trained to treat all individuals with respect and courtesy, recognizing that different disabilities require different types of assistance and communication.
- Maintain Awareness: Training includes recognizing various disabilities (including hidden disabilities) and understanding person-first language and proper etiquette.
- Mechanics are also trained to properly maintain lifts, ramps, securement systems, and other accessibility equipment.

Delaware County Transit maintains documentation of all training to demonstrate that each employee has reached the required level of proficiency before performing their duties. Additional driver training information can be found in the Delaware County Transit driver training policy.

ACCESSIBLE INFORMATION

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

PERSONAL CARE ATTENDANTS

Under the ADA, an agency cannot require a passenger to have a personal care attendant (PCA). If a PCA accompanies a passenger, the PCA will ride free of charge. A family member or friend is not considered a PCA, unless that individual is acting in that capacity. The Agency does not require a passenger to travel with a PCA unless it is necessary to mitigate a direct threat to safety (e.g., violent or seriously disruptive behavior). A passenger has the right to travel with both a PCA and one companion. The companion is not considered a PCA and may be charged the full fare rate.

STOP ANNOUNCEMENTS

Delaware County Transit does not operate a deviated-fixed route.

ADVERTISING OF ADA POLICIES & PROCEDURES, AND COMPLAINTS

Delaware County Transit ensures that the public is made aware of critical ADA policies and procedures as needed. The ADA complaint process is noted:

- On the Delaware County Transit's website
- In the Delaware County Transit's brochure
- In other pertinent documents

COMPLAINT PROCEDURE

All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the Mobility Manager responsible for coordinating the transit agency's compliance with **49 CFR Part 37**) and promptly and objectively investigated. The

designated individual who handles these complaints is listed on the first page of this document. Complaints are also submitted to the ODOT Civil Rights Office.

Delaware County Transit will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment.

Documentation of each complaint will be kept on file for a minimum of one year, and a summary of all complaints will be kept for at least five years. This meets DOT regulations that require FTA grantees to maintain all complaints of noncompliance with 49 CFR Part 27 for one year, and a record of all such complaints, which is permitted to be in summary form, for five years.

Reasonable Modification Policy

The purpose of the reasonable modification policy is to ensure that Delaware County Transit offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

This policy applies to all safety-sensitive transportation vehicle operators including full, part time and those staff that may be required to operate the vehicle. For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term ‘‘reasonable modifications’’ as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

Delaware County Transit is committed to providing equal access and opportunity to individuals with disabilities in all programs, services, and activities. Delaware County Transit recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Delaware County Transit will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. Delaware County Transit does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Delaware County Transit will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Delaware County Transit, or be subject to discrimination by Delaware County Transit.

A reasonable modification is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities. Delaware County Transit will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for individuals with disabilities, unless:

- Making the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health or safety of other passengers.
- The individual with a disability is able to fully use Delaware County Transit's service without the accommodation being made.
- Making the accommodation creates an undue financial burden on the transit system.

ELIGIBILITY CRITERIA

An individual is eligible to be considered to receive a reasonable modification if that individual has:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual
- A record of such impairment
- Or has been regarded as having such impairment.

REQUESTS FOR REASONABLE MODIFICATION

Delaware County Transit shall make information about how to contact Delaware County Transit to make requests for reasonable modifications readily available to the public through its website, brochures, and other rider policy guidelines. Delaware County Transit shall follow these procedures in taking requests:

- Individuals requesting modifications shall describe the modification to service needed in order to use the service.
- Individuals requesting modifications are not required to use the term ‘‘reasonable modification’’ when making a request. Personnel at Delaware County Transit will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- Whenever feasible, Delaware County Transit requests that individuals make such requests for modifications before Delaware County Transit is expected to provide the modified service.
- Where a request for modification cannot practicably be made and determined in advance (*e.g.*, because of a condition or barrier at the destination of a paratransit, demand response, or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with Delaware County Transit’s management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made. The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

INTERACTIVE PROCESS

When a request for accommodation is made, Delaware County Transit and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any, accommodation shall be provided. The individual and the Delaware County Transit must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

TIME FRAME FOR PROCESSING REQUESTS TO PROVIDE REASONABLE MODIFICATION

Delaware County Transit will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Delaware County Transit recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

GRANTING A REASONABLE MODIFICATION REQUEST

As soon as Delaware County Transit determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, Delaware County Transit shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

DENIAL OF REASONABLE MODIFICATION REQUEST

As soon as Delaware County Transit determines that a request for reasonable accommodation will be denied, Delaware County Transit will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- The specific reasons for the denial;
- Any alternative accommodation that may create the same access to transit services as requested by the individual; and
- The opportunity to file a complaint relative to the Delaware County Transit's decision on the request.

COMPLAINT PROCESS

Delaware County Transit has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Delaware County Transit's website and will be provided to any individual where the Delaware County Transit has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a Delaware County Transit's Reasonable Modification Complaint Form. Delaware County Transit investigates complaints received no more than 30 days after receipt. Delaware County Transit will process complaints

that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Delaware County Transit may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Delaware County Transit.

If Delaware County Transit is not contacted by the complainant or does not receive the additional information within 30 business days, Delaware County Transit may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After Delaware County Transit investigates the complaint, a decision will be rendered in writing to the complainant. Delaware County Transit will issue either a Letter of Closure or Letter of Finding.

- **Letter of Finding** – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Delaware County Transit to address the complaint.
- **Letter of Closure** – This letter will explain why Delaware County Transit has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of Delaware County Transit, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of Delaware County Transit.

In the event of appeal, the complainant will be granted all due process, including the ability to be present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

DESIGNATED EMPLOYEE

Delaware County Transit shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Mobility Manager
Delaware County Transit
119 Henderson Ct Delaware OH 43015
740-513-2207

RECORD RETENTION

Delaware County Transit will maintain all records related to reasonable modification requests and denials for at least three (3) years.

Disruptive Passenger Policy

PURPOSE

This policy provides guidance for handling situations involving disruptive passenger behavior on transit vehicles or property. The goal is to maintain the safety, security, and comfort of all passengers and employees, while ensuring compliance with the Americans with Disabilities Act (ADA) and Federal Transit Administration (FTA) requirements.

POLICY STATEMENT

Transit service is available to members of the public and/or specific segments of the population served by this agency, including individuals with disabilities, in accordance with federal and state laws. Passengers are expected to conduct themselves in a manner that does not interfere with the safe operation of the vehicle, the safety of others, or the delivery of transit services. Passengers may be subject to corrective action, up to and including suspension of service, if their behavior is violent, seriously disruptive, or illegal.

DISRUPTIVE BEHAVIOR DEFINITION

Disruptive Behavior as related to this policy includes actions that interfere with the safe and orderly operation of a transit vehicle or facility. These actions include things like:

- Physical violence or threats toward passengers or employees.
- Harassment, intimidation, or discriminatory behavior.
- Actions that prevent the driver from safely operating the vehicle.
- Destruction or defacement of transit property.
- Behavior that creates an unsafe or hostile environment.

BEHAVIORAL EXPECTATIONS

Passengers must:

- Follow operator instructions at all times.
- Remain seated while the vehicle is in motion (unless boarding/alighting).
- Maintain personal hygiene that does not unreasonably interfere with other passengers' use of the service.
- Refrain from using abusive, obscene, or threatening language.
- Avoid loud, unruly, or physically aggressive behavior.

ADA CONSIDERATIONS

Disability-Related Behavior is defined as actions that may be related to a passenger's disability or medical condition Service will not be refused solely because an individual's disability results in appearance, involuntary behavior, or communication difficulties. If disruptive behavior is the direct result of a disability, the agency will explore reasonable modifications or alternative strategies before considering suspension.

ADA guidelines state that service may be denied if an individual poses a "direct threat" to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures.

CORRECTIVE ACTIONS

Depending on the severity and frequency of the behavior the following actions may be taken:

- Verbal Warning: The operator informs the passenger of the specific behavior and the need to stop.
- Refusal of Service for Trip: If behavior continues and poses safety risks.
- Written Notice / Suspension: For repeated or severe incidents, a suspension of service may be issued, subject to the appeal process.
- Law Enforcement Involvement: For illegal acts, immediate threats, or violence.

SUSPENSION PROCESS

Reference the agency Suspension and Appeals Policy for complete details reg. Highlights include:

1. Written Notice: A letter will be provided to the passenger (and, if applicable, their guardian or advocate) describing the specific incident(s) leading to suspension, the duration of suspension, and the passenger's appeal rights.
2. Appeal Rights: Passengers have the right to appeal within 10 business days of the notice. Service will continue during the appeal process unless there is an ongoing direct threat. Written notice of a final decision will be issued.
3. Reinstatement: Passengers may be reinstated earlier if they demonstrate that the disruptive behavior has been addressed.

Note: Suspensions will be established for a "reasonable amount of time" based on the severity of the issue.

OPERATOR RESPONSIBILITIES

Operators are to remain professional and avoid escalating situations. They shall document the incident with time, date, location, passenger name (if known), and details of behavior and report the incident to the dispatcher/supervisor immediately.

PASSENGER EDUCATION

A summary of this policy will be posted on the agency's website and available in alternative formats upon request. It will also be provided to passengers upon suspension or request. Highlights will be incorporated into passenger rider guides, brochures, or other applicable documents as deemed appropriate.

REFERENCES

Americans with Disabilities Act of 1990 (ADA) – 49 CFR Parts 27, 37, and 38.

FTA Circular 4710.1 – Americans with Disabilities Act Guidance.

U.S. Department of Transportation ADA Regulations.

No Show Policy

This policy is intended to address the actions by habitual abusers of service scheduling and provide clear protocols for addressing passengers who fail to show for their scheduled trip without properly canceling the trip. This policy is intended to address those repeat offenders, and not the occasional incident that may occur with some passengers.

DEFINITIONS

No-show – Any passenger who is unavailable for pick-up of a scheduled trip that has not notified Delaware County Transit to cancel that trip. Trips in which passengers will not be picked up due to circumstances related to service will not be considered a no-show.

NO-SHOW PROCEDURE

The transit operator will wait for passengers for 5 minutes beyond the early arrival pick-up time window. The transit operator will make reasonable attempts to locate the passenger. If the passenger cannot be located within the established 5 minutes, the transit operator must contact the Dispatcher with the no-show. Passengers who do not make themselves available within that window will be considered a no-show. The Dispatcher has the responsibility to determine if the transit operator is to continue without the passenger.

Upon permission to continue without the passenger, the transit operator is to record the arrival time, departure time, and vehicle mileage on the Daily Manifest.

Scheduled trips are to be cancelled at least one (1) hour prior to the time of the trip request. Any scheduled trip not cancelled within that window will be considered a no-show and will be logged as such. A no-show designation for a trip will be monitored to determine the habitual nature of no-shows associated with a passenger.

Exceptions may be made for passengers who are unduly delayed due to medical appointments or procedures and other circumstances beyond their control. The passenger will be required to contact Delaware County Transit as soon as practicable following the missed trip and a new driver will be dispatched as soon as possible if applicable.

HABITUAL NO-SHOW PROCEDURE

Passengers who have no-shows equal to or greater than 25% of the scheduled trips in a thirty (30) day period will be provided a written warning. In order to be subject to a warning or suspension, a passenger must have booked a minimum of three (3) trips or more in a calendar month. Example: If a passenger books five (5) trips and no-shows 25% of the time, they will be in violation of the no-show policy and subject to the progressive corrective action plan.

A passenger will be subject to the progressive corrective action plan only if both the minimum number of trips booked and the minimum number of no-shows are reached during a calendar month. All suspension periods will begin on a Monday.

The length of a passenger's suspension will adhere to the progressive corrective action plan described as followed:

- First violation in a rolling 12-month period: Verbal Warning
- Second violation in a rolling 12-month period: Final Warning Letter
- Third violation in a rolling 12-month period: 7 days

- Fourth violation in a rolling 12-month period: 14 days
- Fifth violation in a rolling 12-month period: 21 days
- Sixth and subsequent violations in a rolling 12-month period: 30 days

All penalties imposed under this policy are first subject to an appeals process (see Suspension Appeals Process). Before any suspension, the potentially affected individual will receive written notice that transportation service will be suspended beginning fourteen (14) days from the date of notice. The individual will receive a copy of the appeals process that details passenger rights in this situation. The written notice of suspension will contain instructions and materials necessary to challenge or appeal the suspension decision.

Delaware County Transit will continue to serve passengers appealing pending suspensions until all appeals have been settled. For passengers who do not choose to appeal, suspensions will commence on the date specified in the written notice.

Subscription/Standing Order reservations may be denied upon a second suspension in any consecutive 12-month period. Privileges may be reinstated without guarantee of the original subscription/standing order.

Suspension Appeals Process

A suspension may result from violations of passenger behavior rules, violation of the no-show policy, or for other inappropriate or disruptive behavior. Regardless of the reason for suspension, each passenger has a right to appeal the decision through an appeals process.

Appeals must be submitted in writing to Crystal James, Deputy Director, by mail at 119 Henderson Ct, Delaware OH 43015 or by email at Crystaljames@delcotransit.com within 14 days of notification of suspension. All passengers will be permitted to continue using service during the appeals process. Delaware County Transit management will inform all schedulers/dispatchers that the suspension is pending an appeal and to allow service to continue for the affected passenger.

An Appeals Committee will review all applicable information from Delaware County Transit and the involved passenger. All passengers will be offered the opportunity to speak directly with Committee members and/or the Deputy Director regarding the submitted appeal and/or circumstances that led to the suspension and subsequent appeal.

After a thorough review of all available information and testimony, the Appeals Committee will have 72 hours in which to issue a recommendation to sustain or reverse the suspension. The Committee recommendation will be forwarded to the Deputy Director for final review and implementation.

The Delaware County Transit administration will have three (3) days to issue a final suspension decision in writing to the passenger involved. All final decisions will be implemented within seven (7) days of passenger notification.

All communications will be made available in alternate format upon request.

ADA/Title VI Complaint Form

BACKGROUND

This form is used for both Title VI and Americans with Disabilities Act (ADA) complaints.

The Civil Rights of 1964 (Title VI) identifies the three classes protected by Title VI—race, color, and national origin—and allow the complainant to select one or more of those protected classes as the basis/bases for discrimination. If any of the Limited English Proficient (LEP) populations in our service area meet the Safe Harbor threshold, then the procedure will be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold.

The Americans with Disabilities Act of 1990 (ADA), provides protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally funded program, service, or activity.

Delaware County Transit is committed to providing non-discriminatory service to ensure that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of its services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964 (Title VI) as well as providing protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination as stated in the Americans with Disabilities Act of 1990 (ADA).

If you feel that you have been discriminated against, please provide the following necessary information to facilitate the processing of your complaint. If assistance is required to complete the form, or if you have questions, please do not hesitate to call the ADA/Title VI Coordinator at 740-513-2207. **Once completed, return a signed and dated copy to:**

Crystal James, Deputy Director

119 Henderson Ct, Delaware OH 43015

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please call 740-513-2207.

DELAWARE COUNTY TRANSIT

Please check one of the following below:

☐ ADA Complaint or ☐ Title VI Complaint

Part I.

Name: _____

Address: _____

Telephone: _____

Email Address: _____

Additional Formats Needed:

☐ None ☐ TDD

☐ Large Print ☐ Audio Tape

☐ Other

Part II.

Are you filing this complaint on your own behalf?

☐ Yes – Proceed to Part III

☐ No – Please provide the name of and your relationship with this person:

Name of Individual: _____

Your Relationship: _____

Please explain why you have filed for a third party:

_____

_____

_____

Confirm:

☐ I have obtained permission of the aggrieved party to file this form on his or her behalf.

☐ I have not confirmed permission to file this form on behalf of the aggrieved party.

Part III.

I believe the discrimination I experienced was based on:

☐ Race
☐ Color
☐ National Origin
☐ My Disability
☐ Other: _____

Date of the alleged discrimination: _____

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses.

_____
_____
_____
_____

Part IV.

Have you previously filed an ADA and/or Title VI complaint with this agency?

☐ Yes
☐ No

Part V.

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

☐ Yes
☐ No

If yes, check all that apply:

☐ Federal Agency ☐ Federal Court
☐ State Agency ☐ State Court
☐ Local Agency

Please provide the contact information for a person at the agency or court where the complaint was filed:
Name: _____
Title: _____
Agency: _____
Address: _____
_____
Telephone: _____
Email: _____

Part VI.

Name of agency complaint is against: _____

Contact person:_____
Title: _____
Telephone number: _____

Important Notice: To protect your rights, your complaint must be filed within 180 days following the date of the alleged discrimination. Failure to file within 180 days may result in dismissal of the complaint. You may attach any additional written materials or other information that you think is relevant to your complaint to this form.

Signature and date required below.

_____ _____
Signature of Person Filing Complaint Date

ADA REASONABLE MODIFICATION COMPLAINT FORM

Delaware County Transit is committed to providing equal access to transportation services for individuals with disabilities in accordance with the Americans with Disabilities Act (ADA). Individuals who believe that a request for a reasonable modification was denied, improperly handled, or who believe they experienced discrimination related to a disability while using Delaware County Transit services may submit this complaint form for review and investigation.

SECTION I – COMPLAINANT INFORMATION

Full Name: _____

Street Address: _____

City: _____ **State:** _____ **ZIP Code:** _____

Telephone Number: _____

Email Address: _____

Preferred Method of Contact:

☐ Telephone ☐ Email ☐ U.S. Mail

SECTION II – REPRESENTATIVE INFORMATION

(Complete only if the complaint is being filed by someone other than the complainant.)

Representative Name: _____

Relationship to Complainant: _____

Telephone Number: _____

Email Address: _____

SECTION III – INCIDENT INFORMATION

Date of Incident: _____

Time of Incident: _____

Location of Incident: _____

Vehicle Number (if known): _____

Driver/Employee Name (if known): _____

SECTION IV – REASONABLE MODIFICATION REQUEST

A. Requested Modification

Please describe the reasonable modification that was requested:

_____

_____

_____

_____

B. Need for Modification

Please explain why the requested modification was necessary due to your disability:

_____

_____

_____

_____

_____

SECTION V – COMPLAINT DETAILS

Please provide a detailed description of the incident and explain why you believe your rights under the Americans with Disabilities Act (ADA) were violated.

Attach additional pages and supporting documentation if necessary.

SECTION VI – WITNESS INFORMATION

Please provide the names and contact information of any witnesses to the incident.

Witness #1

Name: _____

Telephone/Email: _____

Witness #2

Name: _____

Telephone/Email: _____

SECTION VII – REQUESTED RESOLUTION

Please describe the action or resolution you would like Delaware County Transit to take regarding this complaint.

SECTION VIII – CERTIFICATION AND SIGNATURE

I certify that the information provided in this complaint is true and accurate to the best of my knowledge and belief.

Complainant Signature: _____ **Date:** _____

If completed by a representative:

Representative Signature: _____ **Date:** _____

SECTION IX – SUBMISSION INFORMATION

Completed complaint forms may be submitted to:

ADA Coordinator
Delaware County Transit
119 Henderson Court
Delaware, OH 43015

Phone: 740-513-2207
TTY: 800-750-0750
Email: ADACRO@delcotransit.com

Complaints should be submitted as soon as possible and preferably within sixty (60) calendar days of the alleged incident. Delaware County Transit will review the complaint, conduct an investigation as appropriate, and provide a written response upon completion of the review process.

FOR OFFICE USE ONLY
Date Received: _____
Complaint Number: _____
Received By: _____
Investigation Assigned To: _____
Date Closed: _____
Disposition/Outcome: _____
_____