



**City of Harrisonburg Department of Public
Transportation [HDPT]
Americans with
Disabilities Act [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 City of Harrisonburg Department of Public Transportation (HDPT) that, when viewed in their entirety, services, programs, facilities, and communications provided by HDPT are readily accessible and usable to individuals with disabilities. 49 CFR 37.105

1. Fare

HDPT is currently operating fare free.

2. Holiday Closures / Service Changes

HDPT will not operate on the following nationally recognized holidays: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. HDPT's schedule varies due to hours of service offered at different times of the academic year.

At all times, HDPT Paratransit will run in correlation with HDPT's fixed-route system.

3. 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, HDPT 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 used by individuals with mobility impairments, whether manually operated or powered
- Walkers must be collapsible and able to be stored between seats.
- The mobility device must be in good working order; with batteries charged, tires inflated, footrests attached, and all parts secure. (49 CFR 37.3)

4. 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.

5. 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))

6. 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. HDPT 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)

A conforming lap and shoulder belt shall be provided. It is recommended to all passengers riding in a secured mobility aid that they be restrained using the lap and shoulder belt; however, it will not be required.

7. Stop Announcements

Stops at major intersections, transfer points, and destination points will be announced on fixed route buses by the automated announcement system. Should this system at any point fail, operators will make verbal announcements. Transit operators will announce other stops upon request. (49 CFR 37.167 (a-c))

8. 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. Please let us know on your application form whether or not 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 HDPT Paratransit. Guests and companions must pay regular fare. A companion is anyone who rides with you who is not designated as your PCA. (49 CFR 37 (d))

9. 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. The definition does not include animals whose sole purpose is to provide “emotional support.” In order to ride HDPT Transit or Paratransit:

- 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))

10. 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.

11. Maintenance of Lifts or Ramps

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)

12. 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.

13. 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.

14. Suspension of Service

A rider's privileges may be suspended for any of the following infractions on any HDPT property, including vehicles, bus stops, or shelters:

- Smoking or carrying a lit pipe, cigar, cigarette, or vape/vape pens (unless in a designated smoking area).
- Discarding or dumping litter in places other than the recognized receptacles.
- Consuming alcoholic beverages or in possession 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.

15. Notification of Policy

HDPT Transit will notify the public of the ADA policy on the website and in the rider's guide.

16. Paratransit

- a. *Eligibility Requirements:* A person may access HDPT Paratransit if you have a disability or disabling health condition that prevents you from independently using our buses some or all of the time. 49 CFR 37.123

Presence of a disability or a disabling health condition by itself does not automatically make a person eligible for paratransit service. Applications may be obtained by calling HDPT Dispatch or online

<https://www.harrisonburgva.gov/hdpt-forms> HDPT Paratransit riders are required to complete an ADA Paratransit Application.

Applications will be reviewed by HDPT based on the following eligibility qualifications. You are eligible for HDPT Paratransit service if you:

- Any person with a disability who is unable to board, ride or disembark from an accessible vehicle without the assistance of another person (except for the operator of a lift or other boarding device)
OR
- Any person with a disability who could ride an accessible vehicle, but the route is not accessible or the lift does not meet ADA standards
OR
- Any person with a disability who has a specific impairment related condition that prevents the person from traveling to or from a boarding/disembarking location AND
- are certified to use HDPT Paratransit.

HDPT will respond to applicants in writing within 21 days of receiving the application. If the applicant does not receive an answer within 21 days, the applicant shall be treated as eligible and provided services until an answer is received. If determined eligible, you will receive a Rider's Guide and Paratransit I.D. card.

- b. *Categories of Eligibility:* A HDPT Paratransit applicant's eligibility may be classified as conditional, unconditional, or temporary. These categories are defined and mandated by the Americans with Disabilities Act (ADA) regulation.

Category Type	Description	Type of eligibility
Category 1	A person with a disability who cannot independently ride transit	Unconditional
Category 2	Prevented by disability or combination of disability and architectural barriers from getting to the boarding area	Conditional
Category 3	Prevented from using fixed route during a certain amount of time	Temporary

- c. *Service Area:* HDPT Paratransit service is provided within 3/4 of a mile of HDPT fixed- route service 49 CFR 37.131 (a)
- d. *Origin to Destination Service:* HDPT provides shared ride public transportation which is curb to curb service. Assistance from the vehicle to the first doorway or from the doorway to the vehicle, for customers who need additional assistance to complete the trip is available upon request. 49.CFR 37.129
- e. *Trip Scheduling:* Paratransit trips can be scheduled between 6:00 am and 9:00 pm the day before the trip. Same day reservations will be taken on a first come, first serve basis as the schedule permits. There will not be a dispatcher at nights after hours or on Sundays; therefore, reservations will be accepted from the voicemail system or by email. Rides will be curb-to-curb unless previously arranged.
- f. *Trip Negotiation:* HDPT Dispatchers may negotiate a pickup time for HDPT paratransit up to 60 minutes before and 60 minutes after the requested trip reservation time.
- g. *Trip Cancellation:* When canceling a scheduled trip, it is encouraged to call HDPT Dispatch as soon as possible prior to performing the trip. Failure to cancel a scheduled trip without notifying HDPT Dispatch prior to the scheduled pickup time will be recorded as a “no show” (please see the no show policy below). Waiving of the “no show” will be considered for those individuals who were unable to make the scheduled trip due to an unexpected hospitalization or illness and errors made by a 3rd-party in appointment scheduling. Other extenuating circumstances will be considered on a case-by-case basis. In order to cancel trips scheduled for a time when the dispatcher is not in the office, you must call and leave a message on the voice- mail system and/or send an email stating your desire to cancel a scheduled trip.

- h. **No Show Policy:** Excessive no shows can result in a suspension of service. A passenger that exceeds 10% of schedule trips within a 30-day period will be given a verbal warning. A second violation will merit a 7-day suspension of service.
- i. **On-Time Performance:** HDPT monitors its on-time performance (OTP) regularly to ensure reliability. HDPT considers OTP to be acceptable for fixed route if routes run late 10 minutes or less 90% of the time. HDPT considers OTP to be acceptable for paratransit scheduled trips are performed 90% of the time within 15 mins (+/-). Returned trips for paratransit are considered on-time so long as passengers experience the same approximate OTP as passengers experience on fixed route.
- j. **Trip-Length:** HDPT considers the length of paratransit trips to be excessively long if the trip exceeds the length of the same trip when compared to HDPT's fixed route system. HDPT Paratransit is not intended to reflect that of a taxi service and is therefore considered to be a shared-ride service.
- k. **Trips Denial:** Trip denials result when HDPT does not accept trip requests. HDPT will log all denials for service. One denial of a multi-legged trip will count as a denial for each leg of the trip.
- l. **Paratransit Hours:** HDPT Paratransit operates the same hours as the HDPT fixed route system

JMU in Session:

Monday-Friday:
6:30am-10:50pm
Saturday:
8:30am- 10:50pm
Sunday:
1:00pm-10:16pm

JMU out of Session:

Monday-Friday:
6:30am-6:16pm
Saturday:
8:30am- 5:16pm

17. Visitor Certification

Visitors are defined as individuals who reside outside of HDPT's jurisdiction. HDPT provides complementary paratransit service to individuals with disabilities who are visiting. Visitors are eligible for 21 days of service in a 365-day period beginning on the first day the service is used by the visitor. For individuals who reside outside the HDPT service jurisdictions, HDPT shall certify an individual with a disability as a visitor when documentation of residence and a statement indicating that because of their disability they are unable to access the fixed route is provided. (49 CFR 37.121)

18. Complaint Process

HDPT is committed to providing safe, reliable, and accessible transportation options. All comments, positive or negative, are welcomed and will be considered and/or investigated by HDPT. Passenger may send their comments to HDPT by mail, phone, or online. A Comment Form is provided online or by mail. Mailing Address: 475 E. Washington St. Harrisonburg, VA 22802

Online Form: <https://www.harrisonburgva.gov/hdpt-forms>

Phone: (540) 432-0492

a) Designation of Responsible Employee (§37.17(a))

HDPT has designated Katelynn Noser, Grants Program Manager , to coordinate its efforts to comply with Part 37.

b) Advertising the Process for Filing a Complaint ((§37.17(b)(1-2))

HDPT advertises the complaint process as part of the ADA Policy. The ADA Policy and Comment Form are on the agency website:

<https://www.harrisonburgva.gov/hdpt-forms>

HDPT provides alternative formats as necessary. Public information and communications are available in accessible formats, upon request. Alternative accessible formats provided are, (audio, large type, etc.). The alternative accessible formats can be requested by calling 540-217-4782 or emailing Katelynn Noser, Grants Program Manager at katelynn.noser@harrisonburgva.gov.

c) *Communicating the Response to the Complainant (§37.17 (b)(3))*

HDPT will communicate its response to the complainant within 30 days, including the reasons for the response. Responses may include written, electronic, in-person and telephonic response. All responses are documented and are also added to the HDPT complaint database. Dates to track include:

- Date of receipt
- Date of assignment for investigation
- Date of resolution
- Date of communication to complainant

d) *Recordkeeping (§27.121 (b))*

HDPT must keep all complaints of noncompliance on file for one year and a record of all such complaints (which may be in summary form) for five years.

e) *Investigating Complaints*

HDPT will communicate with all parties involved, the complainant as well as pertinent operations staff.

The investigation may also include:

- Video recordings from facility surveillance and on-board cameras
- Written communications (paper and electronic)
- System data including location tracking, dispatch records, notes and input
- Driver manifests (paper or electronic)
- Interviews with transit agency employees and other riders who may be witnesses to the incident

f) *Right to Appeal*

If complainants disagree with the determination by the Grants Program Manager, they can appeal the decision in writing within thirty (30) days from the date of the determination letter. The appeal letter should state the reason (s) the complainant believes the decision was in error.

The appeal letter should be mailed to:

**Director of Public
Transportation 475 E.
Washington Street
Harrisonburg, VA 22802**

g) *Filing a Complaint with FTA - FTA C 4710.1 §12.6.3*

Individuals or any specific class of individuals, personally or through a representative, may submit a complaint to FTA. Those wishing to submit a complaint may do so independent of a transit agency's complaint process. FTA provides an optional Civil Rights Complaint Form on its website for complainants to complete within 180 days from the date of the alleged discrimination. FTA's practice is to encourage riders and others to resolve issues with local agencies when possible before filing a complaint with FTA.

Federal Transit

Administration

Office of Civil Rights

Attention:

Complaint Team

East Building, 5th

Floor – TCR 1200

New Jersey Avenue,

SE Washington, DC

20590

With your form, please attach on separate sheet(s):

- A summary of your allegations and any supporting documentation.
- Sufficient details for an investigator to understand why you believe a public transit provider has violated your rights, with specifics such as dates and times of incidents.
- Any related correspondence from the transit provider.

FTA Civil Rights Complaint Form link:

<https://ftawebprod.fta.dot.gov/OCF/OnlineComplaintForm/CreateOnlineComplaintForm>

19. Reasonable Modification

HDPT will make reasonable modifications to its policies, practices, or procedures when requested to do so by individuals with disabilities when such accommodations are necessary to avoid discrimination on the basis of disability.

Requests for modifications of HDPT 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. HDPT is best able to address and accommodate a request when customers make their requests before the trip. Contact HDPT Dispatch for questions.

20. Direct Threat

If a person is violent, seriously disruptive, or engaging in illegal conduct HDPT may, consistent with established procedures for all riders, refuse to carry the passenger. A person who poses a significant risk to others may be excluded [from service] if reasonable modifications to the public accommodation's policies, practices, or procedures will not eliminate that risk. (49CFR 37.5 App. D/ 29 CFR 36.208)

Behaviors that may cause immediate exclusion from the system include:

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

Passengers who are excluded from the system due to a direct threat have the ability to request an administrative appeal by contacting HDPT at 540-432-0492.