

# **Vehicle Operator Procedure**

## **Paratransit Service**

### **Americans with Disabilities Act**

#### **49 CFR Part 37 Subpart G**

#### **January 2015**

#### **Accessibility Features in Operable Condition**

BMTA shall maintain in operative condition those features of vehicles that are required to make the vehicles readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, signage and systems that facilitate communications with persons with impaired vision or hearing.

BMTA has established a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

If the vehicle operator discovers an inoperable lift/ramp or securement devices while a bus / van is in service and when encountering riders who need to use the lift/ramp or need the securement devices and the next accessible vehicle on the route exceeds 30 minutes, BMTA must provide alternative transportation to waiting riders within 30 minutes.

In this situation, the vehicle operator should:

- Inform the rider that they are contacting dispatch to obtain further instructions
- Contact dispatch to receive alternative transportation plan for the rider and how long the rider should expect to wait.
- Communicate the alternative transportation plan to rider.
- Fill out incident report as soon as possible.

#### **Adequate Vehicle Boarding and Disembarking Time**

Vehicle Operators must accommodate riders who need extra time. This applies to riders who use wheelchairs as well as others with ambulatory or sensory disabilities who may need extra time to get to a seat or disembark.

#### **Use of Lifts/Ramps**

Definition of a wheelchair- a mobility aid belonging to any class, three or more – wheeled device, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

Allowable Wheelchairs- For all wheelchair/occupant combinations, if the lift/ramp and vehicle can accommodate the wheelchair, Bay Metro Transit must carry the wheelchair and occupant. BMTA may decline to carry a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if the carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety requirements.

Standees on Lifts/Ramps- Vehicle Operators shall permit individuals with disabilities who do not use wheelchairs to use lift/ramp to enter the vehicle. This applies to riders who use canes, crutches, walkers, or other assistive devices. It also includes riders with disabilities who do not use any type of assistive devices. If riders ask to use lift or ramps, operators must honor such requests. They may not ask rider to disclose their disabilities before being allowed to board.

Required Assistance- Operators must assist any rider as needed assuming the level of assistance is reasonable and does not constitute a direct threat to the health or safety of the operator. Operators are not required to provide attendant-type services such as carrying a rider's packages. Vehicle Operators are required to assist riders who use manual wheelchairs on and off lift platforms, or up and down ramps. Operators are not required to assume the controls of power wheelchairs to assist riders with boarding or deboarding.

### **Use of Securement Systems**

All buses over 22 foot in length must have at least two securement locations for wheelchairs. Buses that are 22 foot in length or less only need one securement location. A lap belt and shoulder harness must be made available for each securement location. It is required that all wheelchairs be properly secured using the provided securement system to ensure that the wheelchair remains within the securement area. Vehicle Operators cannot require a passenger in a wheelchair to use a lap belt and/or shoulder harness.

### **Requesting Riders to Transfer to a Seat**

Although it is required that a wheelchair be secured, it may be recommended to a user of a wheelchair that they transfer to a seat for safety. This situation may occur if the wheelchair is top-heavy (i.e. many styles of Amigos) or otherwise unstable because it is not suited for the securement device when the rider occupies the wheelchair. Vehicle Operators may not require the individual to transfer, but should express their concern and make the request to transfer, if possible.

### **Origin to Destination Service**

BMTA has designated its DART service as curb-to-curb publicly. However, the federal regulations require that BMTA provide origin-to-destination service. Therefore, DART Operators must provide assistance to passengers to or from their door when their disability requires 'unreasonable effort' to make it from the curb to the door. Passengers that require door-to-door assistance should have this indicated on the drivers' log. Operators shall not go beyond the door of individual's homes. Barriers for Operators may exist which prevents them from getting passengers to or from their doors. Driveways and sidewalks that have not been shoveled, a flight of steps, apartment building common areas; these conditions should be handled on a case by case basis. Operators must assist in getting packages in and out of the vehicle and to the curb, sidewalk, driveway; (door?). Some judgment must be used by the Operator as to assistance with packages, keeping in mind the liability aspect of actions or lack of actions.

### **Personal Care Attendants and Companions**

BMTA cannot require that a person with a disability travel with a personal attendant. An attendant is a person who provides personal care and / or assistance to an individual with a disability. BMTA may require passengers as part of the application process, to make a statement regarding their intention to travel with an attendant. BMTA will not collect a fare for transporting a PCA.

Companions may be a family member, friend, or business associate who is riding along with the individual with a disability but is not providing personal care services. BMTA will require notification at the time of booking a ride if the passenger will be traveling with a companion or PCA or both. A companion traveling with a disabled passenger will be required to pay full fare.

### **Pick-up Window**

There is a 20-minute arrival window at each pick up location (20 minutes before and 20 minutes after scheduled pick up time). Some passengers will have specific appointment times which will not allow as much flexibility in the schedule. The Operator and Dispatcher should make adjustments to the schedule to avoid making the passengers late for their appointments. When picking up a DART passenger the driver is to wait 5 minutes at each pick-up location. If the rider does not show, the driver is to notify dispatch. Dispatch will call the passenger and advise them that their ride has arrived and remind them of the window. If the rider does not show, the driver indicates on the Drivers Log that the passenger is a "no show". The Operator is to radio dispatch to inform them that they are departing the location without the passenger. Operator, Dispatcher, and passengers must be clear as to the designated Dart pick-up and drop-off spots at common Dart destinations with multiple entrances like Medical Centers, Shopping Centers, etc.

### **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. Service animals are working animals not pets.

- Operators may ask if the animal is a service animal, but cannot require special ID cards for the animal or ask about a person's disability.
- A person with a disability cannot be asked to remove his service animal from the premises unless (1) the animal is out of control and the animal's owner does not take effective action to control it. (2) The animal poses a direct threat to the health or safety of others. All operators must report any said incidents to their dispatcher.

### **Respirators and Portable Oxygen**

Passengers are permitted to bring a respirator or oxygen supply on board any BMTA vehicle if they are needed. The Department of Transportation rules on the transportation of hazardous materials allows for the use of respirators and portable oxygen supplies and BMTA cannot prohibit these devices. BMTA will require respirators and oxygen tanks be in good working condition and that all oxygen tanks be sourced.