

# **PARK CITY TRANSIT DEPARTMENT ADA POLICY AND COMPLEMENTARY PARATRANSIT PLAN**

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**Route Maps, Timetables and schedules may be obtained online at:  
[www.parkcitytransit.org](http://www.parkcitytransit.org)**

## **1. PURPOSE**

Federal Transit Administration (FTA) grantees are required to comply with Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 which states that no entity will discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of complementary Paratransit service. The Park City Transit (PCT) Department herein establishes its Policy to comply with the requirements of the ADA and its implementing regulations at 49 CFR Parts 27, 37 and 38.

This plan was developed and vetted with the assistance and input from Kevin Stickelman, CEO, and Tracy Meier, Program Director, of National Ability Center, Park City, Utah.

## **2. TRANSPORTATION FACILITY AND VEHICLE ACCESSIBILITY**

PCT will construct any new facility to be used in providing designated public transportation services so that the facility is readily accessible to and usable by individuals with disabilities. PCT will also ensure that all revenue service vehicles procured or leased will be readily accessible to and usable by individuals with disabilities.

PCT currently operates a fleet of twenty-nine (29) Low Floor buses, thirteen (13) electric buses, six (6) Cut-Away buses, two (2) Transit vans, and one Trolley Bus on fourteen (14) routes throughout the greater Park City area. All of PCT's vehicles and routes are 100% accessible to people with disabilities.

### **3. PARATRANSIT AS A COMPLEMENT TO FIXED-ROUTE SERVICE**

PCT shall provide paratransit service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed-route service.

For example, paratransit trips:

- Will / may take approximately the same amount of time as the same trip on a fixed route service.
- May be combined or shared with other riders.
- May function as a feeder service to an accessible fixed route, where such service enables the individual to use the fixed route bus system for his or her trip.

### **4. TYPE OF ADA PARATRANSIT SERVICE**

PCT Paratransit service is a curb-to-curb service. Drivers may assist passengers to and from their residence and/or destination point when such assistance is requested by the passenger. PCT requests that passengers notify the dispatcher when scheduling rides if they anticipate that they will need assistance. However, no PCT vehicle operator will enter a private residence or a public facility in order to provide this service. PCT vehicle operators will assist ADA Paratransit eligible individuals in boarding and disembarking PCT vehicles upon request, and will assist with that cargo (e.g. baggage, bags of groceries, etc.) that may be reasonably carried aboard by one person. Baggage is considered reasonable if it can be carried by a single person in one trip and weighs less than fifty (50) pounds.

If assistance is requested where a PCT vehicle operator determines provision of such assistance would pose a direct threat to the safety other passengers, vehicle and/or operator, the dispatcher on duty may pursue an alternate course of action in order to mitigate such a risk, including but not limited to picking up or dropping off a passenger at an alternative location where assistance may be provided safely.

### **5. ELIGIBILITY STANDARDS**

The following individuals will be considered ADA Paratransit eligible:

Any individual with a disability who is unable, as the result of a physical or cognitive impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the fixed-route system which is readily accessible to and usable by individuals with disabilities;

Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route (e.g. when a lift is inoperable on the fixed-route system); and/or

Any individual with a disability who has a specific impairment related condition that prevents the individual from traveling to a boarding location or from a disembarking location of the fixed-route service.

One other individual accompanying an ADA Paratransit eligible individual will be provided service if 1) the accompanying individual is acting as a personal assistant; 2) is a family member or friend. If the individual accompanying the eligible individual is a personal care attendant, service will be also be provided to one additional accompanying individual.

In order to be considered as “accompanying” the eligible individual for purposes of this Policy, the other individual(s) will have the same origin and destination as the eligible individual.

## **6. ELIGIBILITY DETERMINATION PROCESS**

All information about the eligibility process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility will be made available in accessible formats. If a request for a format not currently offered by PCT is made, PCT staff will work with local accessibility groups to produce the requested media.

Upon receipt of a completed application, PCT may contact the applicant to schedule an in-person interview and / or functional assessment. Following the interview and / or functional assessment, PCT may require a physician’s verification of the disability. PCT may utilize a third party physician or physical therapist to assist in eligibility determinations.

PCT staff will review completed applications and make a determination of eligibility in writing within twenty-one (21) calendar days. Park City Mobility may, at its discretion depending on the nature of the disability and results of functional assessments, interviews, physician verifications, and applications, determine applicants to be temporarily or conditionally eligible for service. Any conditions applied to individual eligibility will be stated in the letter of determination. If, by a date twenty-one (21) calendar days following submission of a complete application, PCT staff has not made a determination of eligibility, the applicant will be treated as eligible and provided service until and unless PCT denies the application. If the determination is that the individual is ineligible, the determination will state the reason(s) for the finding. This determination may be appealed through the appeals process described in Section 7.

Determinations will be categorized into three types of eligibility:

1. Unconditional Eligibility, where the applicant's disability prevents the use of regular fixed route services under all conditions.
2. Trip by Trip Eligibility, or Conditional, Eligibility, where the applicant's disability prevents travel on regular fixed route services only when certain conditions are present. In these cases, requested trips will be evaluated on a trip by trip basis for impairment related conditions and environmental factors to determine if the trip meets the individual's eligibility criteria. If no conditions are present which prevent the individual from using fixed route services, that person will not be considered eligible for that trip.
3. Temporary Eligibility may be granted to individuals who meet one of the three eligibility standards described in Section 5 of this plan due to a temporary illness or injury. In granting eligibility to such a person, PCT will establish an expiration of eligibility consistent with the expected duration of the disability.

PCT may require re-certification of the eligibility of ADA Paratransit eligible individuals at reasonable intervals, or as needed. Typically these recertification intervals will occur every three years.

There are certain circumstances under which an individual, otherwise eligible for ADA Paratransit services, may be denied those services, these circumstances are:

- A person whose behavior threatens or has threatened the safety of Paratransit personnel or other customers.
- Persons who demonstrate a consistent pattern of missing scheduled Paratransit trips, "no-shows", may lose their eligibility.

Such temporary suspensions of eligibility, as well as permanent loss of eligibility because of violent or threatening behavior, may be appealed through the following appeals process. In the case of temporary suspension due to "no-shows", suspension of service will not begin until the appeals process is complete.

## **7. PROCESS FOR APPEALS & COMPLAINTS**

Administrative Appeals definitions:

- a. ADA appeals board: The City Manager or his/her designee, an attorney for the City Attorney's Office and a manager other than the Transit & Transportation Manager.
- b. Complaint: A complaint shall be defined as a written assertion that any person, individually or as a member of a specific class of persons, has been subject to discrimination on the basis of a disability in connection to the provision of transportation service.

- c. ADA Officer: An employee of Park City designated by the City Manager to process Complaints according to procedure identified in this policy.
- d. Transit & Transportation Manager

#### Administrative Appeals Process:

1. A complaint must be filed within thirty (30) calendar days of the alleged wrong doing with the City Recorder's Office (sixty (60) calendar days in the case of eligibility denials). Any individual needing assistance with writing the Complaint, may contact the City's ADA Officer for assistance in locating additional resources.
2. The Complaint shall be forwarded to the ADA Officer, who shall be appointed by the City Manager. The ADA Officer shall investigate the Complaint and prepare a written response, including any remedial or enforcement action, within thirty (30) calendar days and forward the response to the Complainant and Transit & Transportation Manager. If, by a date thirty (30) calendar days following an appeal, a determination has not been made, the appealing individual will be treated as eligible and provided service until and unless the appeal is denied. The Complainant and Transit & Transportation Manager shall be entitled to appear in person and to be represented by counsel, to have a hearing, and to confront the witness whose testimony is to be considered by the appeals board.
3. Board Appeal Level:

In all cases where the Complainant or Transit & Transportation Manager disagrees with a decision of the ADA Officer, the Complainant or Transit & Transportation Manager may appeal the decision of the ADA Officer to the Appeals Board.

The appeal shall be taken by filing written notice of the appeal with the City Recorder within ten (10) calendar days after the decision of the ADA Officer. Upon the filing of the appeal, the ADA Appeals Board shall commence its investigation, take and receive evidence, and fully hear and determine the matter. The Complainant and Transit & Transportation Manager shall be entitled to appear in person and to be represented by counsel, to have a hearing, and to confront the witness whose testimony is to be considered by the appeals board. The ADA Appeals Board's decision shall be made to the Complainant and the Transit & Transportation Manager in writing.

#### State and Federal Appeals Process:

In the event the ADA Appeals Board upholds the ADA Officer's decision, the Complainant may file the Complaint with the Utah Department of Transportation, the Federal Department of Transportation, or the Federal Transportation Administration Offices.

## **8. SERVICE AREA**

PCT's Paratransit service area shall include all areas within  $\frac{3}{4}$  mile of any PCT fixed bus route that is operated by PCT. Service Area may be limited to times when a fixed route within  $\frac{3}{4}$  mile of a destination is in operation. PCT currently operates within incorporated Park City and parts of Summit County, including Kimball Junction and Quinn's Junction.

## **9. HOURS OF OPERATION**

PCT's Paratransit service shall be available any time a fixed route service is in operation within  $\frac{3}{4}$  mile of a given location or destination.

## **10. RESPONSE TIME**

PCT will schedule and provide Paratransit service to any eligible person at any requested time PCT's fixed-route buses are in operation on a particular day in response to a request for service made the previous day and up to seven (7) days in advance. Dispatchers will take reservations from 8:00 a.m. to 5:00 p.m. seven (7) days a week. Requests received after 5:00pm for the following day will be treated as a same-day ride and will be subject to time and space availability.

Requests for ADA paratransit service may be accepted from eligible individuals only, or in the case where a disability prevents the eligible individual from making his/her own ride requests, PCT will accept requests from a legal guardian.

PCT will make an effort to schedule rides for ADA Paratransit eligible persons at the requested time however, rides may be scheduled up to one hour before or after the requested time. Dispatchers will provide eligible individuals with a thirty (30) minute pickup window when confirming ride requests. PCT is considered on time if the vehicle arrives at the scheduled pick-up point within the promised pickup window. PCT will wait up to five (5) minutes for the scheduled rider to board. If the rider has not begun the boarding process within the five (5) minute period, the vehicle will depart the location.

## **11. SAME DAY SERVICE**

A same-day ride is classified as any request for service not received by 5:00pm the day before the requested service is to take place. Same Day service is offered as a courtesy only, and is not required by the ADA.

From 8:00 a.m. to 5:00 p.m., Monday through Friday, PCT Paratransit dispatchers can be reached to arrange same-day rides. This service is available only for same-day rides that occur between 8:00 a.m. and 5:00 p.m. Monday through Friday and are only on a space/time available basis, for the convenience of eligible riders.

Same day rides are not provided on Saturdays, Sundays, and holidays recognized by Park City Municipal Corporation.

Adjusting previously scheduled appointments the day they are to occur will effectively reclassify the ride as a same-day ride and will be subject to those limitations and restrictions.

## **12. SUBSCRIPTION SERVICE**

Subscription service is the provision of repetitive trips over an extended period of time. PCT will allow ADA eligible riders to schedule rides for up to a six (6) month period. However, PCT will not schedule in a subscription context more than fifty (50) percent of the possible/potential trips during any two-hour window unless available capacity allows.

PCT reserves the right to establish a waiting list, capacity constraints, restrictions on trip purpose and priorities for participation in subscription service. PCT may cancel a subscription for passengers who violate the no-show policy, or in cases where repeated alterations or cancellations occur.

## **13. SUSPENSION OF SERVICE/NO-SHOW POLICY**

PCT will suspend the provision of service to ADA Paratransit eligible individuals who establish a pattern or practice of missing scheduled trips. A “no-show” will be added to a rider’s record when the following situations occur:

- Not being at the scheduled pick-up point within five (5) minutes after the bus arrives.
- Canceling a ride less than ninety (90) minutes before the scheduled pick-up time.
- Not canceling a scheduled pick-up time.
- Choosing not to ride after the vehicle arrives for the pickup.

Return trips and / or subsequent rides on the same day as a no-show will not be automatically cancelled. Each trip or leg of a trip is treated separately and must be cancelled separately by the passenger.

Should a passenger be marked as a no show at a location other than their home, dispatchers will continue to attempt to locate and arrange transportation home for that passenger until such time that it no longer becomes feasible to ensure that passengers are not left stranded at large in the community. PCT dispatchers will attempt to reach emergency contacts and/or the Park City Police Department if there is reason to believe that the passenger is missing or in danger.

When a no-show occurs, the PCT vehicle operator will notify the PCT dispatcher. A notation will be made on the individual’s database record. If a second no-show occurs within a thirty (30) day period, PCT will make a reasonable attempt to contact the individual in writing, explain the no-show policy and attempt to identify ways for the

individual to comply with the policy. A third no-show within a thirty (30) day period will prompt a review of the passenger's record. If the percentage of the passenger's no-shows during that period indicates a personal no show rate greater than five (5) times the system average and it is deemed that a pattern or practice of no-shows exists, a six (6) month probation will result. PCT staff will mail a letter to the individual explaining that the individual's ADA Paratransit eligibility has been placed on probation, and will attempt to identify ways to avoid further sanctions.

If, during the probation period, the individual receives additional no shows and their personal no-show percentage rate exceeds five (5) times the system average, the individual will be notified by Registered Mail that their ADA Paratransit eligibility has been suspended. Eligibility will be suspended for one (1) week for the first violation. If second and subsequent violations occur during this probationary period the individual will be suspended for thirty (30) days.

The suspension of service will become effective seven (7) days from the date of the Registered letter of notification is mailed in order to allow the individual to appeal the suspension.

The notification of suspension will include the specific reasons for the suspension. The rider will have thirty (30) days from the receipt of the letter to appeal the suspension decision by following the appeal process described within the notification of suspension. If an appeal is requested, it will be scheduled for ADA Appeals Board review within thirty (30) days of the request, and the suspension of service will be delayed until the appeal is heard. If the no-shows are determined not to be the fault of the individual, service eligibility will be restored. Individuals will be notified by certified letter of the decision regarding the appeal within seven (7) days of the ADA Appeals Board meeting and this notification will state the new date on which the suspension, if upheld, will begin.

The individual requesting the appeal may bring other persons to represent him/her including a lawyer, independent living or rehabilitation counselor or other professional to testify on his/her behalf. A sign interpreter will be provided if requested, and an attempt will be made to provide language interpreters.

#### **14. OXYGEN TANKS AND PORTABLE BREATHING AIDS**

Passengers may carry aboard a portable oxygen breathing aid (such as an oxygen tank) for personal use when medically required. PCT operators may assist passengers boarding or alighting with these devices, provided that they can reasonably be expected to be carried by a single person. PCT operators are not permitted to connect hoses, disconnect hoses, or change oxygen tanks.

Oxygen is a flammable gas and as such certain safety precautions must be taken when transporting portable oxygen breathing aids. The following general procedures will apply to most portable oxygen breathing aids:



- a. Drivers will secure all oxygen and spare containers during transportation by the most secure means available.
- b. Containers commonly secured to a mobility device may stay in those securements.
- c. Containers attached to mobility aids such as walkers must be separately secured to the vehicle by the most secure means available.
- d. When scheduling a ride with Park City Mobility, passengers should inform the dispatcher at the time the reservation is made that a portable oxygen breathing aid will be transported with the passenger. Passengers are to be advised by the dispatcher under these circumstances of the estimated length of the trip and the time that the passenger is expected to be on the vehicle. This may impact the quantity of oxygen the passenger requires.

## **15. MOBILITY DEVICES**

Passengers using mobility devices 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). PCT can accommodate mobility devices that meet the following minimum standards:

- *Wheelchair* means a mobility aid belonging to any class of three or more wheels, usable indoors, designed or modified for and use by individuals with mobility impairments, whether manually operated or powered
- The mobility device must be in good working order; with batteries charged, tires inflated, footrests attached, and all parts secure.
- The combined weight of the passenger, mobility device, and all accessories does not exceed 800 pounds.

For the safety of passengers, all wheelchairs and mobility devices must be secured on each trip. Passengers who refuse to allow their wheelchairs or mobility devices to be secured may be denied service. Operators 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. While passengers who use wheelchairs or other mobility devices are not required to do so, PCT strongly recommends for their safety that passengers use the available lap and shoulder belt in addition to the mobility device securements.

Operators will use front and rear tie-downs to secure mobility devices and will secure mobility devices at the strongest parts of the device; however, the passenger may indicate the most optimal tie-down spot. The mobility device will be secured front facing unless otherwise requested by the passenger. Operators will assist passengers with securement systems, lifts, ramps, and seatbelts; however, operators cannot assist riders using power chairs or scooters with the operation of their equipment. No individual other than trained

PCT personnel may operate vehicle equipment such as lifts, ramps, or securement devices.

In the event that a wheelchair or mobility device is incompatible with PCT's securement devices and therefore cannot be secured, PCT will still provide service to that individual provided that mobility device fits within the definition described above. If the device cannot be secured because of the mobility device's design, the operator will warn the passenger of the danger of riding in a non-secured wheelchair, but the passenger still has the right to ride the vehicle.

Non-Standard Mobility Devices: Mobility devices that are not wheelchairs will be accommodated to the extent that the ADA-compliant lift 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 vehicle and the transport of other passengers.

## **16. SERVICE ANIMALS**

The Americans with Disabilities Act defines 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.

Service animals are permitted to accompany individuals with disabilities in PCT vehicles and facilities. The passenger must remain in direct control of the service animal at all times. Animals that are not under the passenger's control or pose a threat to the health and safety of others may be banned from PCT vehicles. Service animals may not occupy a seat and must sit on floor under the seat or near the passenger in a manner that does not block the aisles or pose a trip hazard to other passengers.

Pets and other animals are not allowed on board PCT vehicles unless they are secured in a carrier device designed to carry such an animal and must remain secured at all times while on board.

When scheduling a ride with Park City Mobility, it is the responsibility of the passenger to inform the dispatcher that a service animal will be present.

## **17. VISITORS**

Visitors to our service district may be asked for certification of eligibility from their resident service district. If an individual does not have certification from their resident service district but makes a claim of eligibility, the claim will be honored on a presumption of eligibility. If the visitor has no certification of eligibility and their length of stay exceeds twenty one (21) days, we may require the individual to obtain local certification of eligibility.

## **18. REASONABLE MODIFICATIONS**

PCT will make reasonable modifications to its policies, practices and procedures to avoid discrimination and ensure that its service is accessible to individuals with disabilities. Reasonable modification does not include a fundamental alteration of service, a request that may result in a direct threat to the health or safety of others, is not needed or causes an undue financial or administrative burden to the agency. However, PCT will modify its general service practices, if reasonable, to ensure the accessibility and safety of its clients. Examples may include stopping a reasonable distance from an obstructed stop, assisting riders with fare media, allowing passengers with medical conditions to eat/drink if necessary, pick up at a requested entrance and assist in extreme weather.