


VERMILLION PUBLIC TRANSIT AGENCY POLICY AND PROCEDURE	EFFECTIVE DATE 05/02/2005	NUMBER OF PAGES 4	SECTION VPT
SUBJECT: ADA POLICY	AUTHORIZATION SIGNATURE 		REVIEWED 12/01/2014 09/14/2015 07/11/2016

POLICY:

The American with Disabilities Act (ADA) was signed into law July 26, 1990. The ADA is civil rights legislation which requires that persons with disabilities receive transportation services equal to those available to people without disabilities.

It is the policy of Vermillion Public Transit (VPT) that, when viewed in their entirety, services, programs, facilities and communications provided by Vermillion Public Transit are readily accessible and useable to individuals with disabilities to the maximum extent possible. 49 CFR 37.105. Vermillion Public Transit will allow for reasonable modifications and accommodations in service as long as these changes will not result in a fundamental alteration of service, create a direct threat to the health or safety of others or the passenger can use the service successfully without the requested modification.

1. **Fares** – See the Vermillion Public Transit Passenger Handbook for detailed information
2. **Hours of operation** – See the Vermillion Public Transit Passenger Handbook for detailed information
3. **Approved Equipment**

In order to accommodate a wheelchair or power scooter on a Vermillion Public Transit vehicle, it must meet the following standards:

- The equipment must not weigh more than the vehicle lift is capable of lifting, when occupied
- Equipment must be secured and stored out of the aisle
- Segway or similar electronically motorized personal transportation devices are allowed on vehicles when used as a mobility device by a person with a disability

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 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 (4 total) to secure mobility devices. Operators will secure mobility devices at the strongest points 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. Operators will assist passengers with securement systems, ramps and seatbelts. Vermillion Public Transit cannot refuse to transport someone whose mobility device cannot be satisfactorily restrained provided the device fits within an envelope which is 30” wide by 48” long.

7. Stop Announcements

Transit operator will announce stops upon request.

8. Personal Care Attendants

A Personal Care Attendant (PCA) may ride with you at no charge. A PCA is a person, who travels with, and helps, a rider who is not able to travel alone. Passengers must provide their own PCA, if they need one. Guests and companions may ride with passengers. Guests and companions must pay regular fare. A companion is anyone who rides with a passenger who is not designated a PCA.

9. Service Animal

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. In order to ride:

- The animal must be on a leash or in a container, remain under the 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
- You are responsible for any damage caused by the animal (49 CFR 37.167(d))

10. Boarding Assistance

Operators shall position the vehicle to make boarding and de-boarding as easy as possible for everyone. Operators shall provide assistance to passengers upon request. Passengers shall be allowed adequate time to board and disembark from the vehicle. Passengers with mobility issues may request to ride the lift while standing.

11. Maintenance of lifts and ramps - See Vermillion Public Transit Vehicle Maintenance Plan for detailed information

12. Priority Seating

Upon request, operators shall ask – but not require – passengers to yield priority seating at the front of the vehicle to seniors and persons with disabilities. Operators are not required to enforce the priority seating beyond making such a request.

13. Reserved Seating

Mobility device securement areas 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 vehicle. Operators are required to ask passengers sitting in the securement areas to move to other available seats or stand.

14. Refusing Service - See the Vermillion Public Transit Passenger Handbook for detailed information

15. Notification of policy

Vermillion Public Transit will notify the public of the ADA policy on their website and in the passenger handbook.

16. Complaint Process

Filing a complaint

Any person can file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information (Appendix C):

- Complainant's name, mailing address and viable contact information
- How, when, where and why the complainant believes that they were discriminated against. Include the location, names and contact information of any witnesses
- Other information that is deemed significant

The ADA Complaint Form (Attached) may be used to submit the complaint information. The complaint may be filed in writing with the VPT at the following address:

Vermillion Public Transit
604 ½ High St.
Vermillion, South Dakota 57069

VPT encourages all complainants to certify all mail that is sent through the U. S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Transit Director as soon as possible, but no later than 180 days from the alleged dates of discrimination.

Complaint process

All complainants alleging discrimination based on race, color or national origin in a service or benefit provided by VPT will be directly addressed by VPT. VPT shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, VPT shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of the complaint will be mailed within seven days (Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

Notification of Complaint

VPT will send a final written response letter (Appendix E & F) to the complainant. This written response may be drafted subject to review by the VPT attorney. In the letter notifying complainant that the complaint is not substantiated, the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from VPT, and/or 2) file a complaint externally with the Department of Transportation, and/or the Federal Transit Administration. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

In addition to the complaint process described above, a complainant may file an ADA complaint with the following offices:

June Hansen, Civil Rights Compliance Officer/ADA Coordinator
SDDOT – Office of Legal Counsel/Civil Rights Program
700 E. Broadway Ave.
Pierre, SD 57501
Phone: 605-773-3540
Fax: 605-773-4442
Email: june.hansen@state.sd.us

Appendix A
Employee Annual Education Form

ADA Policy

Persons with disabilities will receive transportation services equal to those available to people without disabilities and will not be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of VPT are expected to consider, respect and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to the Transit Director of VPT.

Appendix B
Acknowledgement of Receipt of the ADA Plan

I hereby acknowledge the receipt of the VPT ADA Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of disability, as protected by The American with Disabilities Act (ADA).

Employee Signature

Print Name

Date

Appendix C
ADA COMPLAINT FORM

The American with Disabilities Act (ADA) is civil rights legislation which requires that persons with disabilities receive transportation services equal to those available to people without disabilities, and not be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint and send it to:

Vermillion Public Transit
604 ½ High St.
Vermillion, SD 57069

Please print clearly:

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: Home: _____ Cell: _____

Message: _____

Person discriminated against: _____

Address of person discriminated against: _____

City, State, Zip Code: _____

Please indicate why you believe the discrimination occurred:

disability

service animal

personal care attendant

What was the date of the alleged discrimination? _____

Where did the alleged discrimination take place? _____

Please describe the circumstances as you saw it: _____

Please list any and all witnesses' names and phone numbers:

What type of corrective action would you like to see taken?

Please attach any documents you have which support the allegation. Then date and sign this form and send it to the Transit Director at:

Barb Ballensky, Transit Director
VPT
604 ½ High St.
Vermillion, South Dakota 57069
605-624-7433

Signature

Print Name

Date

Appendix D
Letter Acknowledging Receipt of a Complaint

Today's Date

Complainant's Name and address

Dear _____:

This letter is to acknowledge receipt of your complaint against Vermillion Public Transit alleging _____.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 605-624-7433 or write to me at this address.

Sincerely,

Barb Ballensky
Transit Director

Appendix E
Letter Notifying Complainant that the Complaint is Substantiated

Today's date

Complainant's Name and Address

Dear _____:

The matter referenced in your letter of _____ (date) against Vermillion Public Transit alleging an ADA violation has been investigated.

(An/several) apparent violation(s) of American with Disabilities Act, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. (If a hearing is requested, the following sentence may be appropriate) You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Barb Ballensky
Transit Director

Appendix F
Letter Notifying Complainant that the Complaint is not Substantiated

Today's Date

Complainant's Name and address

Dear _____:

The matter referenced in your complaint of _____ (date) against Vermillion Public Transit, alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of the Americans with Disabilities Act had in fact been violated. As you know, ADA prohibits discrimination based on disability in any program receiving federal financial assistance.

VPT has analyzed the materials and facts pertaining to your case for evidence of the agency's failure to comply with any of the ADA laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal within seven calendar days of receipt of this final written decision from VPT, and/or 2) file a complaint externally with the South Dakota Department of Transportation:

June Hansen, Civil Rights Compliance Officer/ADA Coordinator
SDDOT – Office of Legal Counsel/Civil Rights Program
700 E. Broadway Ave.
Pierre, SD 57501
Phone: 605-773-3540
Fax: 605-773-4442
Email: june.hansen@state.sd.us

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Barb Ballensky
Transit Director

