
SUBJECT: AMERICANS WITH DISABILITIES ACT (ADA) PROCEDURES

Overview:

1. Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall 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 service, including complementary paratransit service. The City of Jacksonville and Jacksonville Transit will not discriminate against an individual with a disability in connection with the provision of transportation service.
2. The City of Jacksonville contracts for the operation of our fixed-route and our ADA complementary paratransit services. These Service Contractors are contractually obligated to comply with all Federal Transit Administration (FTA) regulations. Service Contractors are also obligated to comply with all City of Jacksonville policies and procedures. City staff will provide routine active oversight to ensure the provisions of service contracts are followed and all City, FTA, and ADA regulations are followed.
3. City of Jacksonville personnel will review and verify all policies and procedures for each Service Contractor that provides services to ADA recipients in order to ensure compliance with FTA and ADA regulations. This will occur annually and as needed whenever FTA regulations are updated. At a minimum, this review will occur by the end of the first month of the calendar year. This will ensure that all corrective measures are completed prior to the beginning of the fiscal year. See Attachment 2 for a Review Checklist.
4. These procedures have been prepared for use by those persons who have been certified as eligible for ADA complementary paratransit service through Onslow United Transit System, Inc. in conjunction with the City of Jacksonville and by those persons who have been declared eligible by other jurisdictions and who are visiting Jacksonville.

Definitions:

1. In accordance with Department of Transportation (DOT) 49 Code of Federal Regulations (CFR) Part 37, *Transportation for Individuals with Disabilities* and FTA Circular 4710.1, *Americans with Disabilities Act Guidance*, the following definitions apply:

- A. **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.

1. **Physical or Mental Impairment:**

- a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemi and lymphatic skin, and endocrine;
- b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;
- c. The term Physical or Mental impairment includes, but is not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart

- disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease, tuberculosis, drug addiction and alcoholism;
- d. The phrase physical or mental impairment does not include homosexuality or bisexuality.
2. The phrase **major life activities** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and work.
 3. The phrase **has a record of such an impairment** means has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
 4. The phrase **is regarded as having such an impairment means:**
 - a. Has a physical or mental impairment that does not substantially limit major life activities, but which is treated by a public or private entity as constituting such a limitation;
 - b. Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment; or
 - c. Has none of the impairments defined in Paragraph 1 of this definition but is treated by a public or private entity as having such an impairment.
 5. The term **disability** does not include:
 - a. Transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
 - b. Compulsive gambling, kleptomania, or pyromania;
 - c. Psychoactive substance abuse disorders resulting from the current illegal use of drugs.
- B. **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.
 - C. **On-Time:** FTA considers pickups as on time when a driver arrives at the pickup location within the established pickup window.
 - D. **Early:** FTA considers pickups early if a driver arrives and departs with the rider before the established pickup window begins.
 - E. **Late:** FTA considers pickup late if a driver arrives after the end of the established pickup window and the rider boards the vehicle.
 - F. **Trip Denials:** When agencies do not accept trip requests; when a rider requests a next-day trip and the agency can only offer a trip that is outside of the 1-hour negotiating window; when a rider requests a round-trip and the agency can only provide one leg of the trip (if the rider does not take the offered one-way trip, both portions of the trip are denials).
 - G. **Missed Trips:** Missed trips caused by agencies and not the riders; trips that are requested, confirmed, and scheduled, but do not take place because;
 - a. The vehicle arrives and leaves before the beginning of the pickup window without picking up the rider and without any indication from the rider that he or she no longer wants to make the trip.
 - b. The vehicles does not wait the required time within the pickup window, there is not contact with the rider, and the vehicle departs without the rider.
 - c. The vehicle arrives after the end of the pickup window and departs without picking up the rider (either because the rider is not there or declines to take the trip because it is now

late).

- d. The vehicle does not arrive at the pickup location.
- H. **Excessive Trip Lengths:** A trip that is "excessive" when in comparison to the time required to make a similar trip using the fixed route system. The standard of service is not intended to reflect that of a taxi service.
- I. **No-show:** A no-show occurs when a rider fails to appear to board the vehicle for a scheduled trip. This presumes the vehicle arrives at the scheduled pickup location within the pickup window and the driver waits at least five (5) minutes.
- J. **Pickup Window:** The pickup window is defined as fifteen (15) minutes before the scheduled pickup time to fifteen (15) minutes after the scheduled pickup time. Riders must be ready to board a vehicle that arrives within the pickup window. The driver will wait for a maximum of five (5) minutes within the pickup window for the rider to appear.
- K. **Late Cancellation:** A late cancellation is defined as either: a cancellation made less than two (2) hours before the scheduled pickup time or as a cancellation made at the door or a refusal to board a vehicle that has arrived within the pickup window.

Service Criteria:

There are six service criteria that the ADA requires and they are as follows:

1. **Service Area:** City of Jacksonville will provide complementary paratransit service to origins and destinations with a width of $\frac{3}{4}$ mile of each side of the Fixed Route. The corridors shall include an area within $\frac{3}{4}$ of a mile radius at the ends of each Fixed Route. Within the core service area, any small area not inside a corridor but surrounded by corridors will also be served.

2. **Response Time:** ADA complementary paratransit will be scheduled and provided to any ADA paratransit eligible person at any requested time on a particular day in response to a request for service made the previous day. Reservations will be taken by reservation agents or by mechanical means.

3. **Fares:** the fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service will not exceed twice the fare that would be charged to an individual paying full fare.

A personal care attendant shall not be charged for complementary paratransit service. Any companion will pay the same fare as the ADA – eligible individual

4. **Trip Purpose:** No restrictions or priorities will be imposed based on trip purpose.

5. **Hours and day of service:** Complementary paratransit service will be available throughout the same hours and days as the Fixed Route service.

6. **Capacity Constraints:** No limit of the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

- A. Restrictions on the number of trips an individual will be provided
- B. Waiting lists for access to the service
- C. Any operations pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons

Accessibility:

1. Vehicles will be used that meet the accessibility and equipment requirements of ADA. Vehicles with features required to make them readily accessible to and usable by individuals with disabilities will be maintained in an operative condition. These features include, but are not limited to, lifts, securement devices,

elevators, signage and systems to facilitate communications to persons with impaired vision or hearing.

Accessibility features will be promptly repaired once identified as damaged or out of order. Whenever an accessibility feature is out of order, reasonable steps to accommodate individuals with disabilities will be taken.

2. The City of Jacksonville will operate from facilities and amenities which comply with ADA regulations

Eligibility:

1. The City of Jacksonville will establish an ADA paratransit eligibility determination process for local residents and long-term visitors. Eligible individuals will receive documentation of ADA paratransit eligibility, which can then be used in other systems.

2. Jacksonville Transit/OUTS will honor the request of an "out-of-town" visitor who is ADA certified by another transit provider and is seeking to utilize the ADA complementary paratransit service. Service will be provided consistent with ADA requirements and OUTS policies. For example, if a certified visitor comes from a fixed route system that is not accessible and the certification states that the rider is ADA eligible based solely on the inaccessibility of their system and the person can use an accessible transit system, no paratransit service will be provided.

Eligibility will be presumed in cases where a visitor does not have documented certification available, but OUTS will require proof that the visitor is not a resident of the City of Jacksonville. If the request is based upon a hidden impairment, medical documentation may be required by Jacksonville Transit/OUTS.

A non-certified visitor may use the system up to the 21-days (consecutive and nonconsecutive) in a one-year period. If the visitor plans to use the system or actually uses the system for more than twenty-one (21) days (consecutive and nonconsecutive) within a one-year period, the visitor must apply to Jacksonville Transit/OUTS and become certified to continue to use the system beyond the 21-day limit.

3. The certification process that is established will strictly limit ADA paratransit eligibility to the regulatory definition of eligibility. Only those persons who meet the regulatory definition will be given documentation indicating that they are "ADA Paratransit Eligible". In addition, if individuals who are determined to be ADA paratransit eligible can use fixed route service under certain conditions, the documentation, which they are given, will indicate the limitations/conditions of their eligibility.

4. All information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility will be made available in accessible formats upon request. Accessible formats include large print, audiotape, Braille, and computer disk.

5. An individual may be eligible for paratransit whose disability is intermittent or temporary. Those persons would be certified based upon the most limiting aspects of their disability and, like many other ADA certified riders, rides will be subject to specified conditions.

6. Individuals are not qualified or disqualified for ADA complementary paratransit service based on a specific medical diagnosis or disability. To ascertain if the individual fits the criteria, it is necessary to determine whether or not an individual's disability prevents him/her from utilizing any of the fixed route services provided by Jacksonville Transit. This determination will be made using the following four (4) tests:

- A. Does the disability prevent the individual from getting to and from a station/stop at point of origin or destination? If yes, then the trip is eligible. A distinction is made in the regulations between those who have difficulty (or simply find it unpleasant) to travel to or from a bus stop and those whose disability prevents them from doing so.

- B. Can the individual board and utilize the vehicle at the station/stop? If the vehicle is inaccessible or the stop is inaccessible, the person is eligible.
- C. Can the individual independently recognize the destination and disembark? If no, the trip is eligible. This test will form the basis of eligibility for many individuals with visual impairments and developmental cognitive disabilities.
- D. If a trip involves transfers and connections, are the paths of travel between lines or modes accessible and navigable by the individual? If no, the trip is eligible.

7. Applicants are to be granted presumptive eligibility if a determination of eligibility has not been made within 21 calendar days of the submission of a completed application. Service must be provided, and the applicant presumed to be eligible, until and unless the determination is complete and the person is found to be ineligible.

8. Applicants will be notified in writing of the Notice of Initial Determination of Eligibility. If the determination is made that the individual is not eligible, the written notification will state the reasons for the finding. If an applicant is determined to be eligible, documentation of eligibility (ID Card) will be provided. This documentation will specifically state that the person is "ADA Paratransit Eligible".

9. An administrative appeal process is available to any individual who is determined to be ineligible for complementary paratransit service. The appeal process is available to individuals who are determined ineligible in all situations and those persons who are deemed conditionally eligible. Because the provision of ADA complementary paratransit service is a civil right, the denial of eligibility is a serious matter. A fair and effective appeals process is in the best interest of all parties. Please see the **Appeals** section.

10. The City of Jacksonville may require that individuals periodically reapply or recertify every five (5) years unless individuals are granted permanent eligibility.

Requesting Transportation:

1. Reservation service is available during all normal business hours Monday – Friday, 8:00 a.m. to 5:00 p.m., as well as, during times comparable to normal business hours on a day when the office is not open before a service day.

- A. Monday through Friday, reservations will be taken by calling (910)346-2998 from 8:00 a.m. to 5:00 p.m. for the next day.
- B. Reservations may be made up to 5:00 p.m. on Saturday for Sunday's trips and on holidays for next day service by calling (910)330-8557.

When making reservations please be sure to have the following information available:

- 1. Your name
- 2. Telephone number (please make sure this is a working number)
- 3. Time you would like to arrive at your destination
- 4. Identify whether you will be accompanied by a personal care attendant and/or a companion
- 5. Inform of any mobility devices being used
- 6. The address where you would like to be picked up from
- 7. The address where you would like to go to
- 8. Identify whether you will need a return trip, indicating the time you desire to be picked up

Someone will call and confirm reservations after 5:00 p.m. on Saturday or holiday for next day service. If a message is left on Sunday, a call will be made on Monday morning to confirm a reservation for Monday.

Under no circumstances will an appointment be made from a voice message. Riders are asked to leave their name and a good working telephone number. If the number has been changed or disconnected, Onslow United Transit System, Inc. (OUTS) is not responsible for providing the transportation request.

Pick up times may be negotiated with the individual; but the trip will not be scheduled to begin more than one hour before or after the individual's desired trips.

If it is necessary to cancel the trip, please notify OUTS as soon as possible.

2. A ride is a one-way trip. OUTS service is curb-to-curb service whereas you must be able to get to the curb. The OUTS driver will assist you in getting in and out of the vehicle.

3. Passengers must be ready at the designated pick up time. The driver will wait five (5) minutes at the curb and then continue on his/her route.

Fare Policy:

1. Fares charged for ADA Complementary Paratransit shall be twice the full fare that would be charged for a comparable trip (without regard to discounts for age or disability) on the Jacksonville Transit fixed route service.

2. Companions traveling with an ADA certified individual shall pay the same full fare as the certified person. A Personal Care Attendant traveling with and ADA certified individual shall not be charged a fare.

Procedures:

It is the responsibility of transit providers to ensure that passengers with disabilities receive service comparable to that provided to any other passenger and that this service is provided with dignity and respect, without compromising safety or security. These procedures are applicable to Fixed Route, ADA Complementary, and Express Route services.

1. **Announcing Bus Stops:** Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 Code of Federal Regulations (CFR), Section 37.167(b), the minimum requirement for fixed route stop announcements by a transit provider is that "stops to be announced (by personnel or a recording system) at least at transfer points with other fixed routes, other major intersections and destinations points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location. Further, the transit personnel must announce any stop upon request of an individual with a disability. If there is a public address (PA) system on board the vehicle, it will be used to provide such announcements.

Operators must identify the vehicle to a passenger who has a visual impairment, especially if the bus stop is serviced by more than one route.

2. **Boarding Assistance:** Bus operators shall position the bus to make boarding as easy as possible for everyone. This includes minimizing the slope of any ramps and bus kneeling options available. Whenever necessary, bus operators shall provide assistance to passengers to negotiate ramps and/or inclines when boarding or alighting. Always ask the passenger if assistance is needed prior to providing such assistance. Before leaving the stop, operators shall ensure that passengers with disabilities are boarded safely.

- A. **Transporting Common Mobility Aids:** All mobility aids shall be transported and properly secured. A mobility aid, as defined above, may be operated manually or powered. A mobility aid does not exceed 30 inches in width and 48 inches in length (measured two inches above the ground) and does not weigh more than 600 pounds when occupied. Vehicles may not be able to accommodate mobility aids exceeding these standards, however reasonable efforts shall be made to transport persons in oversized mobility aids. Transportation cannot always be guaranteed to persons with oversized mobility devices, but suggestions for alternative transportation shall be provided upon request. With respect to wheelchair/occupant combinations that are larger or heavier than those to which the design standards for vehicles and equipment of 49 CFR Part 38 refer, if the lift and vehicle can accommodate the wheelchair and occupant, service must be provided to that person.
- B. **Forward vs. Backward Mobility Aid Loading:** For safety reasons, passengers using mobility aids are encouraged to back onto the lift when boarding; however, passengers are not required to do so. When a ramp is used, the boarding direction is the passenger's decision.
- C. **Mobility Aid Brakes:** When occupying a lift or securement area, it is recommended that passengers apply the brakes on their mobility aids; 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.
- D. **Mobility Aid Securement:** Mobility aids must be properly secured whenever possible. Securement devices shall be available on all transit vehicles at all times. Bus operators shall use their best efforts to correctly use the appropriate number of securement points. If the mobility device meets the ADA regulatory definition of a common wheelchair, service shall not be denied because the mobility device cannot be secured to the operator's satisfaction due to either the awkward position of the securement points, or the design of the mobility device. A passenger may not be refused service based on an inoperable securement system. If the device is not secured, it should remain out of the aisle and movement of passengers. Lap belts and shoulder harnesses shall be offered for the safety of the passenger but are not mandatory. Passengers using mobility devices shall not be denied service based on safety or liability concerns if they refuse to wear the lap belt or shoulder harness, or if the mobility device cannot be completely secured due to the design of the device or difficulty with the securement system. Passengers using mobility devices may transfer to a vehicle seat if one is available. Passengers using mobility devices are not required to move to a vehicle seat due to securement difficulties that raise safety concerns. Passengers requesting to ride in a specific securement area shall be secured in the area of their choice if that securement area is available and unoccupied by a passenger using a mobility device.
- E. **Reserved/Priority Seating:** Mobility aid securement areas on buses are reserved. Passengers using 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 securement areas to move to other available seats or to stand.
- Upon request, bus operators shall ask, but not require, passengers to yield priority seating at the front of the bus to persons with disabilities and seniors.
- F. **Use of Lifts and Ramps:** Upon request, bus operators must allow passengers who do not use a mobility aid to use a vehicle's lift or ramp to enter or exit the vehicle. The only reason to not authorize the use of a lift is if:

1. The lift cannot be deployed;
2. The lift will be damaged if deployed;

3. Conditions at the stop would present unsafe conditions for ALL passengers (49 CFR 37.167). Drivers may not judge that a designated stop is unsafe solely due to a passenger's particular disability. (ADA Section 223).

3. Maintenance of Lifts and Ramps: Operators must visually and physically inspect all lifts and ramps installed on the vehicle during pre-trip inspections. All discrepancies of accessibility equipment must be reported immediately to dispatch. Operators will follow the guidance provided by dispatch with regard to continuing on the route with an inoperable accessibility unit or switching to another vehicle. Dispatch will determine on the need to continue using the vehicle or pulling it out of service immediately for maintenance. A vehicle with an inoperable accessibility unit will be removed from service no later than the next service day and will not be returned to service until it is completely repaired.

4. Passengers with Visual Impairments: Passengers who use a white cane or service animal need to ensure that their cane or service animal is visible to approaching bus operators. Anytime an operator observes either of these aids, they must stop at the stop, open the door, and state the route and destination of the bus. Operators pulling up to bus stops that serve multiple routes must be particularly careful to announce the route to all passengers waiting at the stop.

5. Companion and Attendant Policy:

- A. Regulations allow for an ADA eligible individual to travel with one companion and guarantees that space will be available for such. OUTS will allow more than one companion to accompany a certified rider on a space-availability basis only. Companions are required to pay the same fare as the ADA eligible rider.
- B. A person employed by an ADA eligible rider as a Personal Care Attendant, is not considered a companion and is not required to pay a fare. This also applies to a rider that is determined, during the eligibility determination process, to need a Personal Care Attendant. A Personal Care Attendant is regarded as a "mobility aid" and can be a paid employee, a family member, or a friend.

6. Service Animals: Persons with disabilities who use service animals may board with the service animal regardless of fare category. Operators may ask any passenger if their animal is a service animal and/or if the animal assists them with their disability. They may not however, require certification or identification of their service animal. Passengers using service animals must keep their animals under control and the animal must not pose a threat to other passengers. Failure to do so may result in the passenger being requested to exit the bus.

7. Portable Oxygen Use: Individuals with disabilities who use portable oxygen devices are allowed to travel with respirators and properly secured portable oxygen supplies consistent with applicable Department of Transportation rules on the transportation of hazardous materials (49 CFR subtitle B, Chapter 1, Subchapter C).

8. Denial of Service: There will be no discrimination of any individual with a disability in connection with the provision of transportation service.

- A. No person, on the basis of disability, will be denied the opportunity to use public transit if the individual is capable of using that service.
- B. Individuals with a disability shall not be required to use designated priority seating if the individual chooses not to.
- C. Persons with disabilities may not be subject to special charges for providing services or otherwise accommodating them.

Service may be denied to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal activity. However, service may not be denied if the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees or other persons.

No Show Late Cancellation Policy:

It is the policy of Jacksonville Transit that paratransit passengers who establish a pattern or practice of excessive "No-shows" or "Late Cancellations" shall be subject to a suspension of service. While Jacksonville Transit understands that riders may sometimes miss scheduled trips or be unable to cancel trips in a timely fashion for reasons beyond their control, repeatedly missing scheduled trips, or failing to cancel trips in a timely manner can have a negative impact on the provision of service to other passengers, as well as the costs of providing such services.

A. Definitions:

1. **No-show:** A no-show occurs when a rider fails to appear to board the vehicle for a scheduled trip. This presumes the vehicle arrives at the scheduled pickup location within the pickup window and the driver waits at least five (5) minutes.
2. **Pickup Window:** the pickup window is defined as fifteen (15) minutes before the scheduled pickup time to fifteen (15) minutes after the scheduled pickup time. Riders must be ready to board a vehicle that arrives within the pickup window. The driver will wait for a maximum of five (5) minutes within the pickup window for the rider to appear.
3. **Late Cancellation:** a late cancellation is defined as either: a cancellation made less than two (2) hours before the scheduled pickup time or as a cancellation made at the door or a refusal to board a vehicle that has arrived within the pickup window.

B. Jacksonville Transit **does not count as no-shows or late cancellations, any **missed trips due to our error**, such as:**

1. Trips placed on the schedule in error.
2. Pickups scheduled at the wrong pickup location
3. Drivers arriving and departing before the pickup window begins.
4. Drivers arriving late (after the end of the pickup window).
5. Drivers arriving within the pickup window, but departing without waiting the required five (5) minutes.

Jacksonville Transit **does not count** as no-shows, or late cancellations, **situations beyond a rider's control** that prevent the rider from notifying us that the trip cannot be taken, such as:

1. Medical Emergency
2. Family Emergency
3. Sudden illness or change in condition
4. Appointments that run unexpectedly late or are cancelled at the last minute

C. Subsequent Trips: If a passenger no-shows or late cancels for an "outbound" trip and has one or more other trips (e.g. return trip) on the same day, Jacksonville Transit will not automatically cancel subsequent trips. It is the responsibility of the passenger to cancel any subsequent trips they no longer need that day.

D. Excessive No-Shows Late Cancellations: Jacksonville Transit will notify individuals in writing of No-Shows and/or Late cancellation violations on a monthly basis to assist in the early resolution of misunderstandings and to identify conditions that were beyond the control of the individual to

cancel their trip in a timely manner.

An individual with excessive No-Shows Late Cancellations will:

1. Receive written notice of the violations citing the specific trips missed over the specific time period of occurrence and the proposed sanction.
2. Within **five working days** (Monday – Friday, excluding holidays) of receipt of the notice, be allowed to present information and arguments to the Manager of Paratransit Services or designee. Failure to exercise this right will not preclude the individual from filing an appeal regarding the sanction imposed.
3. Receive written notice of the decision and, if applicable, the effective date and duration of any suspension.
4. Have the ability to appeal the decision by filing an appeal within 60 days from the date of the Suspension Notice. Appeals will be handled in accordance with the provisions of the Unified Service Plan and Policy for Complementary Paratransit Services under the Americans with Disabilities Act (ADA). If appealed, the sanction will be stayed pending the outcome of the appeals process. Jacksonville Transit must continue to provide paratransit service, upon request, to the passenger until the appeal is resolved. However, if the passenger continues to accrue additional No-Shows or Late Cancellations during the appeal period, these may be considered in the determination of the proposed sanction; the passenger will be so notified. If the passenger does not appeal or waives their right to appeal, the following sanctions will be imposed:

Any combination of excessive Late Cancellations or No-Shows (3 or an amount greater than 10% of total trips taken) in any consecutive three month quarterly period is defined as a 'violation' of this policy. Sanctions may be imposed as follows:

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|-----------------------------|---|
| a. First Violation: | Seven (7) day suspension of service. |
| b. Second Violation: | Fourteen (14) day suspension of service. |
| c. Third Violation: | Twenty-one (21) day suspension of service. |
| d. Fourth Violation: | Thirty (30) day suspension of service. |

If more than two years elapse between any two stages of violations, the progression of sanctions and suspensions would revert to the first violation.

Appeals Process:

1. Appeals Process for ADA Complementary Para-transit Eligibility for Jacksonville Transit

The appeals process for the denial, suspension, or termination of ADA paratransit eligibility is as follows:

- A. **Denial of ADA Complementary Para-transit Eligibility:** The applicant shall be notified in writing and such other format as requested in the application of the initial ADA eligibility determination. If eligibility has been denied or is subject to conditions, information describing the appeal process shall be included in the notification to the applicant.

ADA complementary paratransit service shall not be provided to the appellant pending the determination on appeal, except as otherwise approved by the initial eligibility determination or as noted in the appeals process below.

- B. **Suspension of Eligibility:** Persons who demonstrate a consistent pattern of missing scheduled para-transit trips, "no shows", may lose their eligibility for a period of time.

Before suspending service, Jacksonville Transit/OUTS shall notify the individual in writing and such other format as requested in their eligibility application that the system proposes to suspend service, citing the basis of the proposed suspension and setting forth the proposed sanction. Information describing the appeal process shall be included in the notification. The individual shall remain eligible for ADA complementary paratransit service during the appeal pendency.

- C. **Termination of Eligibility:** A person, whose behavior threatens or has threatened the safety of para-transit personnel or other customers, may be denied the service. The denial of service must be documented by the person or persons denying the service. If the denial of service extends beyond the time of the originating incident, Jacksonville Transit/OUTS shall notify the individual in writing and such other format as requested in their eligibility application that Jacksonville Transit/OUTS has terminated their eligibility, citing the basis of the termination. Information describing the appeal process shall be included in the notification. Because of the circumstances initiating the denial of service, no service shall be provided during the appeal process.

An individual may appeal a negative eligibility or suspension or termination decision to Jacksonville Transit Manager. The hearing officer shall not have been involved in the decision being appealed. An appeal of an eligibility determination must be filed within 60 days of the date of the eligibility notice. An appeal of termination or proposed suspension must be filed within 20 days of the date of termination or proposed suspension notice. An appeal shall not be considered if it is not received by Jacksonville Transit within the specified time limit.

The appeal must be in written or audio form and may be completed by a third party if the individual desires. However, an employee of Jacksonville Transit/OUTS cannot be the third party. The appeal must include the following information: the appellant's name, address, and telephone number; and the reason for the appeal.

If an appeal is timely filed and contains the required information, the hearing officer shall set the date, time and place of the hearing and notify the appellant thereof. The appellant shall have an opportunity to be heard and to present information and arguments at the hearing. The appellant shall be provided with any necessary support, i.e., a sign language interpreter, if requested in the appellant's appeal. The appellant may be represented by an individual of their choice. Jacksonville Transit/OUTS may be represented by the initial decision maker or the City Attorney or his/her representative. At the hearing, the appellant and Jacksonville Transit/OUTS may present evidence, including testimony of witnesses, in support of or in opposition to the appellant's case.

The hearing officer's decision and the reasons for it shall be provided to the appellant in writing and such other format as requested in the application. A copy of the decision relating to a suspension or termination shall be provided to OUTS. The decision of the hearing officer is final, except for the right to appeal to the City.

If an appeal has not been decided within 30 days of the completion of the hearing, Jacksonville Transit/OUTS shall provide complementary paratransit service from that time until and unless a decision to deny the appeal is issued.



AMERICANS WITH DISABILITIES (ADA) COMPLAINT FORM

INSTRUCTIONS: If you would like to submit an Americans with Disabilities (ADA) Complaint to Jacksonville Transit, please complete the form below and return to : Jacksonville Transit, Attention: ADA Coordinator, C/O City of Jacksonville, 815 New Bridge Street, Jacksonville, NC. 28541

For questions, please contact the City of Jacksonville at (910)938-5292 or
Email to: aprinz@jacksonvillenc.gov

1. Name (Complainant): _____

2. Phone: _____

3. Home Address (Street #, City, State, Zip Code): _____

4. If applicable, the name of the person(s) who you believe discriminated against you: _____

5. Date of the Incident: _____

6. Discrimination based on:

_____ Disability

7. Briefly explain what happened and how you feel you were discriminated against.

Please include how you feel that others were treated differently than you. _____

8. Why do you believe these events occurred? _____

9. Is there any other information that you feel may be relevant to this investigation? _____

10. How can these issues be resolved to your satisfaction? _____

11. Please list any person(s) who we can contact for additional information or to support/clarify your complaint:

Name: _____ Phone Number: _____

Address: _____

12. Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court? (Circle One) Yes No

If yes, circle all that apply:

Federal Agency

Federal Court

State Agency

State Court

Local Agency

If filed at an agency and/or court, please provide information on a contact person at that agency/court:

Name of Agency/Court: _____

Agency/Court Contact's Name: _____

Address of Agency/Court: _____

Phone Number of Agency/Court: _____

Signature (Complainant): _____

Date of Filing: _____



ADA POLICY AND PROCEDURE REVIEW CHECKLIST

1. Policy Review: Review of all ADA Policies. This review should verify that all policies being utilized by Jacksonville Transit, to include Contracted Service Providers, are in compliance with current requirements as identified in FTA Circular 4710.1. This review will occur on an annual basis in the first month of the calendar year. This will ensure that any corrective measures necessary are completed prior to the beginning of the fiscal year.

A. Jacksonville Transit: _____
Date Representative

B. First Transit: _____
Date Representative

C. OUTS, Inc.: _____
Date Representative

2. Procedure Review: If there is a set of ADA Procedures separate from and in addition to the ADA Policies, it is necessary that they also be reviewed for compliance with the most current requirements as identified in FTA Circular 4710.1.

A. Jacksonville Transit: _____
Date Representative

B. First Transit: _____
Date Representative

C. OUTS, Inc.: _____
Date Representative

3. Website Review: Websites are typically used in order to help educate potential ridership with the policies and procedures utilized by an agency. As a result, it is necessary that agency websites and websites of Contracted Service Providers be reviewed in order to ensure compliance with the most up to date requirements as identified in FTA Circular 4710.1.

A. Jacksonville Transit: _____
Date Representative

B. First Transit: _____
Date Representative

C. OUTS, Inc.:

Date

Representative

4. Marketing Material Review: Marketing material is also used to help educate potential ridership about the availability of services being offered by the agency. These materials should also be reviewed for compliance with the most up to date requirements as identified in FTA Circular 4710.1.

A. Jacksonville Transit:

Date

Representative

B. First Transit:

Date

Representative

C. OUTS, Inc.:

Date

Representative

Discrepancies noted: _____

Corrective Measures & Due Dates: _____

Additional Comments: _____

