

Americans with Disabilities Act Policy

For

*Logan County Historical Society, Inc
First Capital Trolley*

Approved By: Logan County Historical Society, Board of Directors

Accepted Date: August 9th, 2010

Modified Date: May 19, 2016

I. Goal

It is the goal of *First Capital Trolley*, through its public transit service, to design, implement and maintain an efficient and effective transportation system for persons with disabilities.

II. Policy

It is the policy of *First Capital Trolley* to abide by all provisions of the Americans with Disabilities Act (ADA) of 1990, as amended, in all of its activities, operations and relationships with-and accommodations of-employees, client-customers and the general public. ADA requires that no person shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity undertaken by *First Capital Trolley* that receives or benefits from federal financial assistance.

III. Objectives

The specific objective of the *First Capital Trolley* ADA Policy is:

1. To provide curb-to-curb or, based on special need, door-to-door, demand response transportation on specially equipped vehicles designed to accommodate persons with disabilities.
2. To maintain a trained staff for the operation and control of the service.
3. To provide on-going mechanisms for persons with disabilities to provide input on the *First Capital Trolley* ADA Policy.
4. To provide all public information tools on *First Capital Trolley* services in accessible format.

IV. Passenger Responsibilities

All passengers must be able to sit in a bus seat or wheelchair in order to be transported.

Any passenger whose medical condition is such that the passenger is incoherent or requires immediate medical attention to sustain life may be denied service. *First Capital Trolley* is a "common carrier" and does not perform ambulance or emergency service.

If the driver reasonably believes a passenger's physical condition or conduct is hazardous, service may be terminated immediately. The passenger will be notified

of his/her right to appeal the termination and ***First Capital Trolley*** will hear the appeal as soon as reasonably possible.

Drivers are responsible only for loading and unloading passengers. It is the primary responsibility of the passenger to provide whatever assistance is necessary to get to the vehicle for boarding or away from it after exiting. All ***First Capital Trolley*** drivers will be specifically trained before transporting wheelchair passengers.

Drivers are not permitted to enter a passenger's home under any circumstance.

Drivers are not permitted to maneuver a wheelchair up or down more than one step. This rule is provided for the safety of the passenger and the driver.

Drivers are not permitted to lift passengers.

Passengers with disabilities, who do not use wheelchairs, including standees, are permitted to use the lift. Standees should stand in the center of the platform facing the direction of travel. If capable, the passenger should hold both handrails when on the platform. The driver will operate the lift from the ground.

All passengers on the vehicle are required to wear seat belts. Therefore, persons in wheelchairs will also be required to be secured. A physician's statement of a passenger's physical inability to wear a seat belt *may* waive this requirement.

Failure to comply with any of the Passenger Responsibilities may result in suspension of services.

V. Accommodation of Mobility Aids

First Capital Trolley will accommodate mobility aids. Mobility aid is defined in Section 37.3 of the DOT's regulations implementing the ADA as, "*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.*"

First Capital Trolley must approve devices not meeting the criteria of a 'mobility aid' prior to scheduling. Any passenger who utilizes a wheelchair device for mobility shall insure the brakes on the wheelchair are in working order before transportation can be provided. All passengers boarding the bus in wheelchairs are encouraged to have the wheels of the chair in a locked position while boarding, riding and disembarking the vehicle.

Section 38.23(d) of the DOT's ADA regulation requires all ADA compliant vehicles to have a two-part securement system: One to secure the mobility aid and

a seatbelt and shoulder harness for the wheelchair user (such seat belts and shoulder harnesses shall not be used in lieu of a device which secures the wheelchair or mobility aid itself.)

The securement system shall limit the movement of an occupied wheelchair or mobility aid to no more than 2 inches in any direction under normal vehicle operating conditions. 49CFR 38(d)(5)

Power chairs and scooters shall be turned to the “OFF” position once on the lift platform and while the lift is in operation

All wheelchairs and other mobility devices must be secured to the floor of the vehicle using the securement equipment. The drivers will make every effort not to damage wheelchairs or mobility devices with the securement straps and hooks.

The American Safety Council and lift manufacturers recommend that passengers in wheelchairs board by backing onto the lift for safety purposes.

Respirators, portable oxygen, walkers, etc. will all be secured so that they do not cause a danger to other passengers or drivers. Securing these items relieves the hazard of them moving during transport.

VI. Personal Care Attendants and Companions

A personal care attendant (i.e., someone designated or employed specifically to help the disabled individual meet his/her personal needs) may ride at no cost.

A companion (e.g., friend or family member) does not count as a personal care attendant unless the eligible individual regularly makes use of a personal care attendant and the companion is actually acting in that capacity.

During the reservation process, an individual must indicate whether he/she travels with a personal care attendant. If someone does not indicate the use of an attendant, then any individual accompanying him/her would be regarded as a companion.

VII. Service Animals and Accommodation of Animals

Note: Policies regarding animals other than service animals described below should be addressed by the individual transit system.

It is the policy of ***First Capital Trolley*** to allow service animals to accompany their owner. Under the Americans with Disabilities Act of 1990, a service animal is defined as “*any guide dog, signal dog, or other animal that is individually trained to do work or perform tasks for an individual with a disability, including,*

but not limited to, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.” 49CFR37.3

Control of the service animal is the responsibility of the animals’ partner. If an incident occurs while transporting a service animal, the accountability for damages or injuries shall remain with the person responsible for the animal. The Americans with Disabilities Act of 1990 allows for the imposition of legitimate safety requirements that are necessary for the safe operation of the ***First Capital Trolley*** vehicles. ***First Capital Trolley*** can generally require use of a secured pet travel carrier for any animal that is a health or safety hazard regardless of the kind of training it has received and what function it serves for its owner.

Service Animals are discouraged from riding on lifts. Their tails, paws, head or equipment may catch in the lift mechanism, causing severe injury to the animal. An exception would be a standee with a service animal.

Service animals should sit or lie on the floor. Animals should not occupy a passenger seat, and should not block the passenger aisle.

VIII. Carry-On Packages

Drivers may help passengers take lightweight items off the vehicle and set them on the curb. If additional assistance is required, this assistance may be rendered on a case-by-case basis.

IX. Public Information Dissemination

First Capital Trolley is committed to providing information about its services, policies and procedures to the public in accessible formats for persons with disabilities

First Capital Trolley shall provide a TTY number (or make use of an operator-assisted RELAY service) so that persons with hearing or speech impairments may communicate with and receive information from ***First Capital Trolley*** staff.

X. Public Involvement

First Capital Trolley is committed to providing on-going mechanisms to involve the public in decisions regarding its services, policies and procedures.

Public hearings will be held on an as-needed basis to obtain input from persons with disabilities on such topics as proposed service changes, proposed fare increases, and other similar topics.

XI. Complaint Process

First Capital Trolley reviews all complaints using the following process. All complaints will need to be made in writing. The written complaints will be reviewed by the Logan County Historical Society board of directors, as well as First Capital Trolley key personnel. Each complaint will receive a written determination/finding result letter, along with corrective actions if required