BROWN COUNTY YMCA

Americans with Disabilities Act of 1990 (ADA)
Policy and Procedures

INTRODUCTION AND PURPOSE:
This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the American with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37 and 38) and applicable Indiana laws and regulations.

The Brown County YMCA / ACCESS BROWN COUNTY operates a demand response public transit system. The Brown County YMCA / ACCESS BROWN COUNTY complies with ADA requirements with respect to such services.

SERVICE CLASSIFICATIONS:
The Brown County YMCA / ACCESS BROWN COUNTY service is offered to all members of the public, not just persons with disabilities, therefore the service is considered “demand response” and the Brown County YMCA / ACCESS BROWN COUNTY is not required to provide ADA complementary paratransit service.

POLICY STATEMENT:
It is the policy of the Brown County YMCA / ACCESS BROWN COUNTY to comply with all the legal requirements of Federal and State laws and regulations as they pertain to individuals with disabilities. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

GOALS: Service is provided in a manner that meets the following goals:

1. Provide safe, accessible and dignified services to all persons, including individuals with disabilities.
2. Expedite the safe and efficient boarding, securing, transporting and alighting of all passengers regardless of mobility status.
3. Accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.
4. Minimize potential damage to mobility aids and transit system equipment in the process.

APPLICABILITY:
This policy applies to all Brown County YMCA / ACCESS BROWN COUNTY transit system employees. This policy applies to services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

DEFINITIONS:

Three or Four-Wheeled Device (formerly common wheelchair): A mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered.

Disability: An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. A physical or mental impairment that substantially limits one or more major life activities.

Mobility Aid/Non-Wheelchair Mobility Device: A device used by a person with a mobility impairment to assist with mobility but does not meet the requirements of a three or four wheeled device as defined by ADA. These include but are not limited to canes, crutches and walkers when used by a person with a mobility related disability.

Demand Response Service: A transportation service characterized by flexible routing and scheduling of relatively small vehicles to provide point-to-point transportation. These services usually require advance reservations and can be curb-to-curb or door-to-door. Can also be referred to as paratransit or dial-a-ride service.

Securement Equipment: Equipment used for securing “common wheelchairs” against uncontrolled movement during transport.

Securement Station: Space specifically designed to secure and stabilize “common wheelchairs” on transit vehicles.

Service Animal: Animal that is trained to perform a task or tasks for people with disabilities.

GENERAL GUIDANCE AND PROCEDURES FOR IMPLEMENTING POLICY

Recruitment and Employment: As stated in the Brown County YMCA / ACCESS BROWN COUNTY personnel policies, the agency is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: The Brown County YMCA / ACCESS BROWN COUNTY administrative facility, vehicle storage building, and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and the State of Indiana.

Maintenance of Accessibility Features: Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices, will be maintained in operative condition. The preventive maintenance program of the Brown County YMCA / ACCESS BROWN COUNTY provides for regular and frequent maintenance checks of these features as

well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection.

Drivers are required to report lift failures as soon as possible. Vehicles with inoperative lifts will be replaced as soon as possible.

Inoperative Lifts: Vehicles with inoperative lifts will be taken out of service as soon as possible and inoperative equipment will be replaced promptly with a spare vehicle. The inoperative lift will be repaired before the vehicle returns to service. In the interim, the Brown County YMCA / ACCESS BROWN COUNTY will provide transportation using a back-up vehicle.

Eligibility Certification: There is no eligibility certification process at the Brown County YMCA / ACCESS BROWN COUNTY because the service is demand response and is open to the general public not just persons with disabilities.

Rider Scheduling: When calling to request transit service, the rider will be assigned a pick-up time. Riders will be required to be ready and in their designated place of pick-up at their scheduled time.

Boarding: Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary to accommodate slower passengers and waiting for passengers to be seated before moving the vehicle. It is the responsibility of the driver to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pick-up site. The passenger and/or their guest escort or attendant and the driver will maneuver the passenger and mobility aid to the vehicle. Only a properly trained transit system employee can operate the lift, secure the “common wheelchair” on the lift and in the securement station.

Use of Accessibility Devices by Persons with Disabilities Not Using a Wheelchair: A person with a disability who is not using a wheelchair or other seated mobility aid may use the lift to board or disembark the vehicle upon request.

Priority Seating: With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating. (However, this does not supersede the transit system’s right to require any passenger who has caused a disruption in the safe travel of other passengers and/or driver to be required to sit in a specific area of the vehicle as a condition of transportation)

Passenger Assistance: The Brown County YMCA / ACCESS BROWN COUNTY Demand Response Services will be provided on a first come, first serve basis. Drivers will assist riders with disabilities in boarding and disembarking from vehicles including use of the vehicle ramp and/or lift and in securing their mobility devices. All drivers who operate the Brown County YMCA / ACCESS BROWN COUNTY vehicles are proficiently trained in passenger assistance and sensitivity towards persons with disabilities, leaving their seat to make themselves available for assistance to persons

with disabilities. Drivers will use the accessibility-related equipment and features on their vehicles.

Securement: Securement of the “common wheelchair” class of mobility devices is the responsibility of the driver and drivers will be trained in the proper operation of all securement equipment based on manufacturer specifications. The Brown County YMCA / ACCESS BROWN COUNTY policy states drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the common wheelchair. If the tie-down system is not compatible for the common wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride in the vehicle. Drivers cannot deny a passenger a ride based on the inability to secure the common wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service. Drivers 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.

The Brown County YMCA / ACCESS BROWN COUNTY will treat all riders equally. Seat belts and shoulder harnesses are recommended for passengers riding in the secured wheelchair station. (Yet, not required unless required for all passengers.)

Non-Standard Mobility Devices: Mobility devices that are not common 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 vehicles and the transport of other passengers.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. Department of Transportation rules on the transportation of hazardous materials.

Transfer to Fixed Seating: All passengers using seated mobility devices have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, users of seated mobility devices to transfer to fixed seating.

Service Animals: In compliance with 49 CFR Part 37, Brown County YMCA / ACCESS BROWN COUNTY allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal, but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger’s control or which becomes a threat to other passengers may be restricted from riding.

Disembarking: It is the responsibility of the driver to determine that the location for passenger disembarking is safe. However, the driver will allow a passenger who uses the lift to disembark at any stop, unless the lift cannot be deployed, the lift will be

damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. The driver will only unsecure the “common wheelchair” and operate the lift to return the passenger to the ground level. The passenger and/or their guest, escort or attendant must maneuver the passenger mobility aid once it has completely exited the vehicle.

Staff Training: All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described and in properly assisting and treating individuals with disabilities with sensitivity.

Rider Information – Alternative Formats: All printed informational materials are made available in accessible formats upon request, for example, large print for persons with low vision or audio for blind persons, as well as accessible electronic formats.

Complaint Procedures

The Brown County YMCA / ACCESS BROWN COUNTY has a process for investigating and tracking ADA related complaints. These procedures shall be posted on the Brown County YMCA / ACCESS BROWN COUNTY website and will be provided to any individual where The Brown County YMCA / ACCESS BROWN COUNTY has denied a request for accommodation or discriminated against any individual on the basis of disability. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has an ADA related complaint can file that complaint by completing and submitting a Consolidate Civil Rights Complaint Form or an ADA Reasonable Modification Complaint Form. The Brown County YMCA / ACCESS BROWN COUNTY investigates complaints received no more than 30 days after receipt. The Brown County YMCA / ACCESS BROWN COUNTY will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, The Brown County YMCA / ACCESS BROWN COUNTY may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to The Brown County YMCA / ACCESS BROWN COUNTY.

If The Brown County YMCA / ACCESS BROWN COUNTY is not contacted by the complainant or does not receive the additional information within 30 business days, the Brown County YMCA / ACCESS BROWN COUNTY may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After The Brown County YMCA / ACCESS BROWN COUNTY investigates the complaint, a decision will be rendered in writing to the complainant. The Brown County

YMCA / ACCESS BROWN COUNTY will issue either a Letter of Closure or Letter of Finding.

a. *Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by The Brown County YMCA / ACCESS BROWN COUNTY to address the complaint.
b. *Letter of Closure* – This letter will explain why The Brown County YMCA / ACCESS BROWN COUNTY has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of The Brown County YMCA / ACCESS BROWN COUNTY, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of The Brown County YMCA / ACCESS BROWN COUNTY.
In the event of appeal, the complainant will be granted all due process, including the ability to be present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

2. Designated Employee

The Brown County YMCA / ACCESS BROWN COUNTY shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Kim Robinson, Transit Operations Coordinator
105 Willow St
Nashville, IN 47448
812-988-9622
kimrobinson@browncountyymca.org

Reasonable Modification of Policy: If a passenger requires modification of any of these policies to accommodate their disability, they may request such a modification by contacting Brown County YMCA / ACCESS BROWN COUNTY, Kim Robinson, Executive Director at812-988-9622 kimrobinson@browncountyymca.org. The transit system will make every effort to work with the individual to find an accommodation solution.