**AMERICANS WITH DISABILIIES ACT PLAN PURSUANT TO THE 2018 UPDATED POLICIES AND PROCEDURES MANUAL**

**5.07 ANNOUNCING STOPS**

As required in the Americans with Disabilities Act, (Civil Rights Law), all Fixed Route Public Transportation operators must announce all major stops.

Operators must announce all stops listed on the current published Lummi Transit schedule. The law does not provide for any exceptions even when an operator knows the passengers and their destinations, or when there are no passengers on board.

Lummi Transit encourages operators to announce a stop if it is requested by any passenger, and to announce any additional stops beyond those designated if it will be of assistance to passengers.

Further, if a passenger with a disability specifically requests that an operator call out a particular stop, the operator must do so, even if it does not meet any other criteria for announcement and even if it is not on the list of major stops designated by Lummi Transit.

**6.0 AMERICANS WITH DISABILITIES ACT (ADA) PLAN**

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The ADA is civil rights legislation which requires that persons with disabilities receive transportation services equal to those available on the fixed route service.

It is the policy of Lummi Transit that, when viewed in their entirety, services, programs, facilities, and communications provided by Lummi Transit, directly or by contracted service provider, are readily accessible and usable to individuals with disabilities to the maximum extent possible as described in [[1]](#footnote-1)49 CFR 37.105.

**6.01 APPROVED EQUIPMENT**

* *Wheelchair* means 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
* Walkers must be collapsible and stored between seats.
* Equipment must be in good working order, with batteries charged, tires inflated , footrests attached, and all parts secure.

**6.02 PASSENGER WITH OXYGEN**

We transport passengers who require the use of medical equipment such as respirators and oxygen. However, if the passenger cannot carry the tank or operate it independently, the operator must report to the office immediately. Operators may never adjust the oxygen for a passenger. Only a passenger’s physician can prescribe a different dosage. Passengers are expected to have a supply of oxygen that will last the duration of their trip on Lummi Transit. Oxygen supplies must not obstruct the aisle.

**6.03 PERSONAL CARE ATTENDANTS**

A Personal Care Attendant (PCA) is someone who travels with, and helps, a rider who is not able to travel alone. Passengers must provide their own PCA if they need one.

**6.04 SERVICE ANIMALS**

Animals are not allowed on Lummi Transit vehicles unless they are a service animal. A service animal is any guide dog, signal dog, other animal that has been specifically trained to assist a customer who has disabilities. In order to ride Lummi Transit:

* The animal must be on a leash or in a container, remain under 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.

**6.05 PRIORITY SEATING**

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

**6.06 RESERVED SEATING**

Passengers occupying the seating in the wheelchair tie down or securement areas must vacate these seats if the tie down area is needed to secure a wheelchair. An operator should politely request that passengers to move to other available seats or to stand. Most passengers will voluntarily move from a seat in a wheelchair securement area, but some passengers may not be aware that persons with disabilities have priority to seats located in these areas. If passengers refuse to comply, the operator should contact the office and request assistance.

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 bus.

**6.07 BOARDING ASSISTANCE**

Operators shall position the bus to make boarding and deboarding as easy as possible for everyone, and minimize the slope of the ramp. Bus operators shall provide assistance to passengers with securement systems, ramps, seat belts and other needs as requested. Drivers cannot however assist riders using power chairs or scooters with the operation of their equipment. Passengers with disabilities shall be allowed adequate time to board and disembark the vehicle.

**6.08 WHEELCHAIR LIFT/RAMP OPERATION PROCEDURES**

The lift is to be used anytime a passenger requests it.

When operating the wheelchair lift on a Lummi Transit vehicle, operators are to follow these procedures:

1. Align the vehicle for lift operations. Be sure that there is room for the platform to deploy and for the wheelchair to roll on/off the platform (minimum of 7-8 feet)
2. Activate 4-Way flashers, place the vehicle in park, and set the emergency brake
3. Open the front door
4. Board/Deboard all walking passengers first
5. Get out of the vehicle, open the lift door, and turn on lift power
6. Ensure all persons are out of the way and all passengers aboard the bus are behind the yellow standee line before operating the lift
7. Utilizing the lift control panel unfold the lift and then deploy the lift down to the ground until the ramp is flush with the ground
8. Advise the passenger in the wheelchair or mobility aid to back onto platform if possible, (forward access onto platform is permissible) and stand by to assist as needed
9. Assure that wheelchair is properly positioned on platform and secure strap
10. Request that the passenger in wheelchair set the brake on their mobility device; if it is an electric powered wheelchair or scooter, ask the passenger to turn off the power
11. Ask the passenger to hold onto the handrail if possible
12. Announce movement while lifting and place your free hand on the rail to ensure stability
13. Raise the lift until it is flush with the floor level of the bus
14. Stand by to assist the passenger in the wheelchair as he/she moves on to the bus. Do not move the lift until passenger is clear and has passed over the yellow standee line into the passenger compartment of the vehicle
15. Stow lift/ramp prior to wheelchair securement to minimize the amount of time the lift remains in the up & out position, turn lift off, and close lift door
16. Ask the passenger if they would like to transfer to a seat or be secured. If the passenger prefers to transfer to a seat their mobility device must be folded and stowed or properly secured.
17. Properly secure the mobility device as described in **SECTION 6.13 WHEELCHAIR SECUREMENT PROCEDURES** of this manual.
18. Ask the passenger his/her destination so that you will be prepared to make a proper approach to that stop in order to use the lift/ramp efficiently. If the passenger needs to transfer connection to another vehicle, the operator should so advise the intended vehicle operator

Be aware that some passengers with disabilities may not have good verbal communication skills and may have difficulty communicating to the operator their desired destination stop

1. Return to driver seat**, c**lose front door**, r**elease emergency brake and set into gear, turn off flashers, signal to traffic, and proceed on route

When deboarding passengers:

1. Align the vehicle for lift operations. Be sure that there is room for the platform to deploy and for the wheelchair to roll on/off the platform (minimum of 7-8 feet)
2. Activate 4-way flashers, make sure the vehicle is in park, and the emergency brake is set

1. Allow walking passengers to deboard first
2. Get out of the vehicle, open the lift door, and turn on lift power
3. Ensure all passengers are behind the yellow standee line and unfold the lift
4. If it is a power chair, ask the rider if the power is still off before attempting to release the securement straps
5. Release securement belts from wheelchair, and stand by to assist passenger in wheelchair (forward facing onto the lift platform)
6. Check that the passenger in the wheelchair is properly positioned on the platform
7. Request the passenger in wheelchair to set brake; if is an electric powered wheelchair, ask the passenger to turn off power to the chair and set brake before the platform is lowered
8. Ask the passenger in the wheelchair to hold the handrail if possible
9. Disembark the bus and ensure the correctly positioned on the lift from the ground level
10. Announce lift movement, lower the lift platform with your free hand on the rail to ensure stability, lower the lift until it is flush with the ground
11. Once the passenger has cleared the immediate area, stow lift, turn off power to the lift, and close lift door
12. Allow the other passengers to board
13. Return to driver seat**, c**lose front door**, r**elease emergency brake and set into gear, turn off flashers, signal to traffic, and proceed on route

**6.09 STANDING PASSENGERS ON LIFT PLATFORM**

Passengers may be boarded/ deboarded while standing on the lift platform, (i.e. upon passenger request, or companions of customers). Use Caution. Watch these customers carefully.

1. Ask the passenger standing on the lift to grasp the handrails

1. Announce the movement of the lift
2. When the lift is being raised, warn the customer to duck his/her head when entering the vehicle. If deboarding, warn, the customer as he/she steps onto the lift platform
3. If the lift is particularly “jerky” or otherwise malfunctioning, avoid using it for standing customers, and report it to the office. Additionally, report it by completing an “Operator Note” **(Appendix I)**.

**6.10 LIFT FAILURE PROCEDURE**

If a lift fails to operate, the operator must notify the office immediately and advise any potential user that there is a problem with the lift operation. Throughout all procedures associated with any operational failure of the lift. No passengers should be allowed on the lift platform unless instructed by a supervisor.

Should a lift malfunction and lock up mid cycle while a passenger is on the lift platform, the operator is to:

1. Double check lift procedures

1. Verify the vehicle is in park and the emergency brake is set
2. Retry lift operations
3. Inform supervisor of status and follow his/her instructions

**6.11 MAINTENANCE OF LIFTS OR RAMPS**

Bus operators must test the lift or ramp during their daily pre-trip inspection. Break down of accessibility equipment must be reported immediately to the office. A vehicle with an inoperable lift will be removed from service as soon as possible and cannot be returned to service until repaired.

The wheelchair lift is also thoroughly checked during regular maintenance intervals as required by the Lummi Preventative Maintenance Plan.

If there is a lift or ramp failure, a replacement vehicle must be dispatched if the next trip to the destination of any passenger using a mobility device is scheduled in more than 30 minutes. If the next trip to the destination if any passenger using a mobility device is scheduled in 30 minutes or less, a replacement vehicle may be dispatched if available.

A vehicle with an inoperable lift may continue to be used in service for up to five days if there is no spare vehicle available to take its place and taking the vehicle out of service will reduce the transportation service that Lummi Transit provides.

* 1. **WHEELCHAIR SECUREMENT PROCEDURES**
1. Proper securement is essential for safe travel with a mobility aid. Proper securement prevents damage to the chair and injury to the rider. Proper securement coupled with smooth, steady, driving techniques also allows for a comfortable riding experience.

1. During the securement procedures, operators will be in direct contact with the mobility aid and may need to be in contact with the passenger as well. Operators are reminded that they must respect the personal space of their passengers – both the wheelchair and/or the passenger, an operator will politely inform a rider what he/she is about to do. (For example, “Excuse me, I’ll be putting this strap around your wheelchair’s frame near your knees). Additionally, for operator safety, ask the passenger to set the brake, and for power scooters or wheelchairs, make sure the passenger turns the power off.
2. Operators are responsible for the proper securement of the mobility aid. Failure to comply with proper securement procedures will result in disciplinary actions up to and including termination, depending on the circumstances.
3. The mobility aid will be secured in a front facing position
4. All mobility aids transported on Lummi Transit vehicles should be fully secured with at least a 4-point securement. Operators will use front and rear tie downs at four different points on the frame of the wheelchair or the strongest parts of the device. Passengers may indicate the most optimal tie down spot. Operators will place the securements as close as possible to a 45 degree angle.
5. If a passenger, personal care attendant, or companion should partially or fully secure the wheelchair, the operator is nevertheless responsible to inspect all points of securement for proper placement, correct adjustment and to assure proper connections.
6. Once the securement straps are in place the operator should move the mobility device gently back and forth to remove any slack and then request the passenger to set the brakes.
7. Under no circumstance should a vehicle be moved with an unsecured wheelchair aboard.
8. If the oxygen vessel is not secured to a mobility device, operators are to advise the passenger to keep a grip on this vessel throughout the trip.
9. Lummi Transit cannot refuse to transport someone whose mobility device cannot be satisfactorily restrained provided that the mobility device fits within the definition described in **SECTION 6.02 APPROVED EQUIPMENT**

Never attach securement straps to a bar that crosses the back of the chair at the top of the seat.

Never attach the securement straps to removable footrests.

Never attach straps to the wheels or spokes.

Never attach to the handgrips, brakes or other non-frame member.

Never cross the straps.

Never use the seat/shoulder belt as a wheelchair securement device.

Always offer the passenger the lap and/or shoulder belt.

Always call the office and notify them of the route and place whenever a passenger refuses the lap or shoulder belt.

**6.13 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.

**6.14 USE OF DISABLED PARKING ZONES**

Operators are allowed to use parking spots marked “Disabled Parking Only” when operating Lummi Transit vehicles in service. These parking spots may be used only for boarding and deboarding passengers.

Disabled parking spaces are never to be used for operator’s personal reasons, such as parking for a break, lunch, or during other times when service is not being provided such as standby time.

Please Remember: Drivers can be ticketed for inappropriate use of Disabled Parking Spaces, and will be responsible for paying parking violation costs themselves.

**6.15 PASSENGER SAFETY INFRACTION (persons with disabilities)**

We occasionally experience challenges in serving our passengers with disabilities. While it is imperative that these passengers be treated with the same courtesy and attention as any of our other passengers, they will occasionally require extra assistance in riding our system. However, this does not mean that they will be allowed to behave in an improper manner.

Occasionally the behavior of passengers with disabilities interferes with our ability to perform and we need to take certain steps to enforce standards of behavior. These steps are guidelines to be followed when a passenger’s behavior poses a safety problem to the degree that intervention is required. In all cases, all transit staff is committed to working with agency/residential/community resource personnel in order to continue passenger access on Lummi Transit.

For the purpose of this policy, an “infraction” is any act, which interferes with safe delivery of service. Three levels are used to distinguish between behaviors that pose safety risks. Examples of these behaviors are listed below and are not inclusive.

1st Level

* Removing seat belt
* Preventing passengers and/or operators movement through vehicle
* Yelling
* Verbal abuse to passengers and/or operators
* Pulling hair, poking, tickling, pinching other passengers
* Moving out of seat
* Removing wheelchair brakes and/or tie downs

2nd Level

* Hitting passengers
* Moving around vehicle while in motion
* Opening vehicle door while in motion
* Spitting
* Continuation of 1st level behavior after first intervention

3rd Level

* Hitting operators
* Biting
* Fighting with other passengers
* Verbal and Physical abuse of operators and/or passengers
* Carrying a firearm
* Continuation of 1st and 2nd level infraction without resolution.

First Level Infraction

This level infraction is generally reported by the operators to the Transit Manager, who relays concerns to various agency staff, caregivers or directly to the passenger. Our goal is to resolve the problem via third party intervention or by clarification of behavior expectations.

Second Level infractions

Depending on the severity of the infraction, the passenger may be suspended immediately for a limited time period, at the discretion of the Transit Manager. Notification of suspension will be by phone, if applicable, and in writing, with appeal procedures outlined in accordance with the Americans with Disabilities Act. If measures are taken to ensure that the unsafe behavior will not recur, service can resume.

Third Level Infractions

These are handled by suspending the passenger involved immediately and without warning. Suspensions may be permanent, depending on the nature of the problem and the ability to resolve it. Again, any suspension or denial of service must follow approved procedures established by the ADA and Lummi Transit.

In all situations, the passenger is entitled to be accompanied by a caregiver when it is deemed advisable. Lummi Transit can require an attendant for a passenger when service would otherwise be refused as a result of violent, illegal, or unsafe behavior.

It is not our preferred policy to deny service to anyone. We depend upon community resources, agency personnel, and residential staff to assist us in resolving problems long before reaching termination status.

ADA Regulations Regarding Passenger Behavior (2008)

“It is not discrimination under this part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct. However, an entity shall not refuse to provide service to an individual with disabilities solely because the individual’s disability results in appearance or involuntary behavior that may offend annoy or inconvenience employees of the entity or other person.” Pg. 45625

“A requirement for an attendant is inconsistent with the general nondiscrimination principle that prohibits policies that unnecessarily impose requirements on individuals with disabilities that are not imposed on others.” Pg 45734

“An entity may refuse service to someone who engages in violent, seriously disruptive, or illegal conduct. If an entity may legitimately refuse service to someone, it may condition service to require an attendant as a condition of providing service it otherwise had the right to refuse.” Pg. 45734

**6.16 COMPLAINT PROCESS (persons with disabilities)**

Lummi Transit’s complaint process is described in **SECTION 5.15 COMPLAINT PROCESSING**. Customers wishing to file a complaint, needing additional assistance, or to obtain a copy of the Complaint Policy may contact:

**Lummi Transit**

**2665 Kwina Rd**

**Bellingham, WA 98226**

**Email: vanessac@lummi-nsn.gov**

**Phone: (360) 312-2380**

**Fax: (360) 380-6990**

**6.17 NOTIFICATION OF POLICY**

Lummi Transit will notify the public of its’ ADA policy and information on how to obtain a copy on its website and transit schedule.

1. 6.17 **Reasonable Modification**

Requests for modifications Lummi Transit policies, practices, or procedures to accommodate an individual with a disability may be made either in advance or at the time of the transportation service.  Lummi Transit is best able to address and accommodate a request when customers make their requests for before the trip. Contact Lummi Transit office customer service for questions, 360-312-2122 or e-mail vanessac@lummi-nsn.gov

1. Title 49: Transportation, Code of Federal Regulations, Subtitle A: Office of Secretary of Transportation, Part 37: Transportation Services for Individuals with Disabilities (ADA), Subpart E: Acquisition of Accessible Vehicles by Private Entities, 37.105- “Equivalent Service Standard” [↑](#footnote-ref-1)