

# **Americans with Disabilities Act Policy**

*For*

*MAGB Transportation, Inc.*

Approved By: MAGB Transportation, Inc.

Accepted Date: February 13, 2018

## **I. Goal**

It is the goal of **MAGB Transportation, Inc.**, through its (demand response) rural public transit service, to design, implement and maintain an efficient and effective transportation system for persons with disabilities. **MAGB Transportation, Inc.** works to ensure nondiscriminatory transportation in support of the Federal Transit Administration's mission to enhance the social and economic quality of life for all Americans.

## **II. Policy**

It is the policy of **MAGB Transportation, Inc.** to abide by all provisions of the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973 and US Department of Transportation (DOT) implementation regulation found at 49 CFR Parts 27, 37, and 38, as amended; in the delivery of transit services that are open to the public and prohibits discrimination on the basis of disability and sets specific requirements that transit agencies must follow.

## **III. ADA Requirements**

### **- Equivalent Service**

**MAGB Transportation, Inc.** provides demand response rural public transportation and provides equivalent service to individuals with disabilities, which is consistent with DOT ADA 49 CFR Part 37.77. This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided other individuals with respect to:

- Response time;
- Fares;
- Geographic area of service;
- Hours and days of service;
- Restrictions or priorities based on trip purpose;
- Availability of information and reservations capability;
- Any constraints on capacity or availability;

## **-General Service Requirements**

### **a. Training**

**MAGB Transportation, Inc.** shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the differences among individuals with disabilities.

### **b. Service Animals**

The **MAGB Transportation, Inc.** shall permit animals to accompany individuals with disabilities in vehicles and facilities. 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.”* 49 CFR Part 37.3

Control of the service animal is the responsibility of the animal's partner. Any animal out of control will not be transported. If an animal's behavior creates a hazard or direct threat, the accountability for damages or injuries shall remain with the person responsible for the animal.

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

### **c. Transporting of Wheelchairs**

**Wheelchair Definition:** A wheelchair is defined in Section 37.3 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.”

**MAGB Transportation, Inc.** will accommodate mobility devices. Three or more wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered, will be accommodated as long as the lift can accommodate the size and weight of the wheelchair and its user and there is space for the wheelchair on the vehicle. Mobility devices will not be transported if they are inconsistent with legitimate safety requirements.

#### **d. Wheelchair Securement**

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 device and secondly a seatbelt and shoulder harness for the wheelchair user, complying with all applicable provision of Title 49 Part 571, (such seat belts and should 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 operation conditions. 49 CFR Part 38(d)(5)

All wheelchairs must be secured to the floor of the vehicle using the securement equipment.

#### **e. Lift Deployment**

Passengers will be permitted to use a lift or ramp to board or disembark from a vehicle at any designated stop, unless the lift or ramp cannot be deployed, the lift or ramp will be damaged if it is deployed, or temporary conditions preclude the safe use of the stop by all passengers. 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.

It is recommended that power chairs and scooters be turned to the "OFF" position once on the lift platform and while the lift is in operation.

#### **f. Respirators and/or Portable Oxygen Equipment**

Individuals with disabilities who use portable oxygen devices are allowed to travel with respirators and properly secured portable oxygen supplies. Oxygen supplies must not obstruct the aisle. 49 CFR Part 37.167(h)

### **IV. Passenger Responsibilities**

- a. All passengers must be able to sit in a bus seat or wheelchair in order to be transported.
- b. All passengers on the vehicle are required to wear seat belts to include lap and shoulder belts. Therefore, persons in wheelchairs will also be required to be secured. Persons who, for medical reasons are unable to wear a safety belt, may request exemptions. To apply for this exemption, the person must submit a written application to the

Commissioner of the Oklahoma Department of Public Safety requesting an exemption. Written verification from their physician, attesting to the need for the exemption, must be included. If the request is approved, a special notation will be placed on the person's driver's license to indicate the exemption from the safety belt law.

- c. **MAGB Transportation, Inc.** will deny service to any individual who engages in violent, illegal conduct.
- d. If a passenger's physical condition or conduct is hazardous, or whose behavior is seriously disruptive and/or a direct threat to others, service will be denied.
- e. The passenger will be notified of his/her right to appeal the denial of service and **MAGB Transportation, Inc.** will hear the appeal as soon as reasonably possible.

## **V. Driver Responsibilities**

- a. Drivers are responsible for loading and unloading passengers
- b. Drivers are not permitted to enter a passenger's home under any circumstance.
- c. Drivers are not permitted to maneuver a wheelchair device up or down more than one step. This rule is provided for the safety of the passenger and the driver.
- d. Drivers are not permitted to lift passengers.
- e. Drivers will 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.

## **VI. Personal Care Attendants and Companions**

- a. Personal care attendant (PCA's) are not required. If a PCA accompanies a passenger, the PCA will ride free of charge.
- b. A companion (e.g., friend or family member) is not considered 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.

- c. 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. Effective Communication**

- a. **MAGB Transportation, Inc.** is committed to providing information about its services, policies and procedures to the public in accessible formats for persons with disabilities.
- b. **MAGB Transportation, Inc.** 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 **MAGB Transportation, Inc.** Staff.

## **VIII. Reasonable Modification (49 CFR Parts 27 and 37)**

A reasonable modification is a change to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services and activities. **MAGB Transportation, Inc.** will make reasonable modifications to policies, practices and procedures when necessary to ensure access to transit services for qualified individuals with disabilities, unless:

- Granting the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health or safety of other passengers.
- The individual with a disability is able to fully use **MAGB Transportation, Inc.**'s service without the accommodation being made
- Where granting the request would cause an undue financial and administrative burden.

### **- Requesting Reasonable Modifications**

**MAGB Transportation, Inc.** will provide information on how to make requests for reasonable modifications. This information will be readily available and easily accessible to the public through **MAGB Transportation, Inc.**'s website, [www.magb.org](http://www.magb.org) and policy guidelines. Requests for accommodation can be submitted by calling **MAGB Transportation, Inc. at 580-227-3374.**

- **Processing/Granting/Denying Modification Requests**

**MAGB Transportation, Inc.** will process reasonable modification requests in as short of time frame as reasonably possible. As soon as a determination regarding reasonable accommodation has been made, that decision will be promptly communicated to the individual. In the event that a request for reasonable accommodation will be denied, **MAGB Transportation, Inc.** will communicate the denial to the individual requesting modification.

**IX. Public Involvement**

**MAGB Transportation, Inc.** is committed to providing on-going mechanisms in accessible formats to involve the public in decisions regarding its accessible services, proposed fare increases, policies and procedures, and other similar topics.

**X. Complaint Procedure**

Any person who believes she or he has been discriminated against, or who has a concern, may file a formal complaint. **MAGB Transportation, Inc.** provides complaint instructions at [www.magb.org](http://www.magb.org). Complaints can be submitted as follows. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with **MAGB Transportation, Inc.** For more information on the MAGB Transportation civil rights program, and the procedures to file a complaint, contact 580-227-3374 (TDD number is 711), or email [magbtransportation@yahoo.com](mailto:magbtransportation@yahoo.com), or visit our administrative office at 101 S. Main St. in Fairview, OK 73737. When a complaint is received, documentation is kept concerning the nature, date and time of the complaint. Every complaint will be investigated generally within 10 days after receipt. After **MAGB Transportation, Inc.** investigates the complaint, a decision will be rendered within 30 days of the receipt of the initial complaint.

If the complainant disagrees with the finding of **MAGB Transportation, Inc.**, an opportunity to appeal the decision may be pursued. An appeal should be filed within 21 days of the initial decision by **MAGB Transportation, Inc.**. The appeal must be filed in writing and must provide detailed information regarding the complaint and mailed to **MAGB Transportation, Inc. at PO Box 298, Fairview, OK 73737.**

In the event of an appeal, the investigating official will then follow **MAGB Transportation, Inc.'s** process of appeal which includes: interviewing individuals with relevant information and providing the complainant the ability to present additional evidence. The President/Executive Director

along with the Director of Operations and the **MAGB Transportation, Inc.** Board of Directors will make a final ruling regarding the appeal and a written decision will be provided within 30 days of receipt of the initial appeal.

**XI. Designated Employee(s)**

**MAGB Transportation, Inc.'s** designated official responsible for processing reasonable modification requests and handling complaints is:

William Johnston, President/Executive Director  
**MAGB Transportation, Inc.**  
101 S Main St.  
580-227-3374

Mailing Address:  
**MAGB Transportation, Inc.**  
PO Box 298  
Fairview, OK 73737