

EASTERN SIERRA TRANSIT AUTHORITY ADA PARATRANSIT POLICY

OVERVIEW

The Eastern Sierra Transit ADA complementary paratransit service serves the needs of passengers who, because of a disability, are unable to use the Transit System's regular fixed-route system, and who meet the criteria established by the U.S. Department of Transportation under the Americans with Disabilities Act (ADA) of 1990.

Disability alone does not establish paratransit service eligibility; the decision is based solely on the applicant's functional ability to use the regular fixed-route transit service. The Eastern Sierra Transit ADA complementary paratransit service is for those who do not have the functional abilities to access and ride the regular fixed-route transit service. If you need additional information, alternative formats, or have any questions please feel free to contact Eastern Sierra Transit at 760.872.1901.

CERTIFICATION / ELIGIBILITY

In accordance with United States Department of Transportation (USDOT) implementing regulations, Eastern Sierra Transit has developed a certification process designed to limit ADA paratransit eligibility to persons identified under Section 37.123 of the regulations. The Application for ADA Paratransit Eligibility contains questions about functional impairments or disabilities which will be utilized to determine eligibility. This determination may apply to all trip requests or it may be conditional based on the trip requested. The criteria for eligibility are described in the section below.

Eastern Sierra Transit utilizes a self-certification process with professional verification. The applicant completes an application form that requests basic transportation information. It includes simple questions about the applicant's ability to use accessible fixed-route transit. The form requests that the applicant provide the name of a licensed professional who can attest to the validity of the information. Eastern Sierra Transit shall use its discretion to verify the information with the individuals listed in the application form. All information provided in the application will be kept strictly confidential and will be maintained in a locked environment by the designated ADA Coordinator. The applicant may be called in for a personal interview to verify eligibility. Eastern Sierra Transit may use outside professionals to assist with the review of the application. Acceptable qualified professionals are:

- Physician (M.D. or D.O.) or registered nurse
- Physical or occupational therapist
- Psychiatrist, psychologist, or mental health counselor
- Vocational counselor, rehabilitation specialist or independent living skills trainer
- Licensed social worker or case manager
- Orientation and mobility instructor or travel trainer
- Ophthalmologist
- Credentialed Special Education Teacher



Applicants are to list qualified professionals who are familiar with their particular disability and current functional abilities to use regular fixed-route service. Once an individual is deemed eligible, he/she must notify Eastern Sierra Transit of any changes in address, phone number, or disability.

Eligibility screening will be given to anyone who requests it. Eastern Sierra Transit will review all requests for eligibility and a determination of eligibility will be made within 21 days of receipt of a completed application or telephone/California Relay interview. Incomplete paper applications will be promptly returned with the missing information noted. Applications may be considered incomplete until a telephone or in-person interview has been conducted. The eligibility determination letter will explain any eligibility limitations or conditions. If the applicant is determined to be ineligible, the determination letter will state the reasons for the finding. All eligibility determination letters will contain information about appeals, allowing the applicant to exercise their appeal rights and informing them of any conditions relevant to appeals. If applicable, the letter will also contain information about use of the paratransit service and policies related to its use. Information will be provided, as appropriate, in an accessible format. Enclosed with the letter will be an identification card as described below. In the event that the 21-day time period for eligibility determination is exceeded, the applicant will be presumed eligible until a formal notification is made.

Eligibility Criteria

In order to be eligible for ADA complementary paratransit service, a person must be unable to ride accessible fixed-route transit and must meet one or more of the following criteria:

Category 1: Individual's inability to use system

Any individual with a disability who is unable to use the system due to a physical or mental impairment. For example, if he/she is unable to:

- wait, either standing or seated, more than 20 minutes
- get on or off a lift-equipped vehicle without assistance, grasp handles or railings
- maintain balance while seated on a moving vehicle
- identify the correct bus or stop
- understand transit directions needed to complete the trip

Category 2: Inaccessibility of the system

Any individual who can use an accessible system, but cannot do so when a portion of the system is not fully accessible. For example, the system is not considered fully accessible when:

- a lift cannot be deployed at the boarding/disembarking location the individual wishes to use
- a "common" wheelchair cannot be accommodated on the vehicle

Category 3: Individual's inability to get to the system

Any individual with a disability who has a condition which prevents them from traveling to a boarding location or from a disembarking location on an accessible transit system.



For example:

- the individual's mobility impairment prevents traversing the terrain necessary to access the desired fixed-route service
- weather conditions interact with an impairment-related condition to prevent travel
- variations in the health/functional ability of the individual prevent travel
- individual's mobility impairment prevents travel beyond a certain distance, and the particular stop is beyond that threshold
- visual, cognitive or developmental impairment prevents travel to or from a stop for exceptional (non-routine) trips

TYPES OF ELIGIBILITY

Applicants who are determined eligible for ADA complementary paratransit service are assigned an eligibility category. The eligibility category is consistent with the applicant's ability to use the regular fixed-route service. These categories are Unconditional, Conditional, Trip-by-Trip, and Temporary.

UNCONDITIONAL – Applicant is not able to use accessible regular fixed-route transit service under any circumstances and is eligible for all trips on ADA complementary paratransit service.

CONDITIONAL – Applicant is not able to use accessible regular fixed-route transit service in specific circumstances and is eligible to use ADA complementary paratransit service under limited circumstances identified by Eastern Sierra Transit.

TRIP-by-TRIP – Applicant is not able to use accessible regular fixed-route transit service for certain trips due to architectural and/or environmental barriers. The applicant is eligible to use ADA complementary paratransit service for those specific trips identified by Eastern Sierra Transit.

TEMPORARY – Applicant is not able to use accessible regular fixed-route transit service at this time, however the condition or circumstances leading to eligibility is reasonably expected to change in the future. For a limited period of time, the applicant is eligible to use ADA complementary paratransit service for all trips.

Distance to a bus stop or illiteracy by themselves, are not considered disabilities and therefore do not qualify the applicant for ADA complementary paratransit service. Applicants who are blind or visually impaired may be eligible if they cannot use the regular fixed-route service. Applicants with medical conditions, such as epilepsy, kidney disorders, and diabetes, may be eligible depending upon their ability to use the regular fixed-route service.

PHOTO IDENTIFICATION CARDS

Once deemed eligible, Eastern Sierra Transit will issue a photo identification card. The identification card may be used on regular fixed-route service to receive a reduced fare



or for ADA paratransit service in other U.S. cities. There is a \$5.00 replacement charge for lost or damaged cards.

RECERTIFICATION

In order to keep the database of certified passengers current, passengers will need to recertify eligibility every three (3) years. Conditional use passengers that are certified for service on a “temporary” basis will be required to recertify at the end of their temporary period of eligibility if they desire to maintain eligibility of service. Passengers must complete a new application and may be required to participate in another evaluation by a qualified professional.

CERTIFICATION APPEALS PROCESS

Applicants whose requests for certification are denied have the right to appeal. Such appeal must be submitted within sixty (60) days from the date of certification denial. The appeal will be considered by the ADA Eligibility Certification Review Board made up of three (3) persons. The Review Board members will be appointed by Eastern Sierra Transit but will not be Authority employees. At least one of the Review Board members will have a familiarity of the disability in question. If more than 30 days passes following the completion of the appeals process and the Board has not rendered a decision, the applicant will be provided complementary paratransit service until a decision is finalized. The Review Board’s decision will be provided to the appellant in writing and will include the reasons for the decision. For more information, contact Eastern Sierra Transit at 760.872.1901.

VISITORS WITH DISABILITIES

Visitors with disabilities who cannot use the regular fixed-route system are eligible to utilize the ADA complementary paratransit service. If the visitor has been certified as “ADA paratransit eligible” by a public entity, Eastern Sierra Transit will honor the certification and will provide up to 21 days of ADA complementary paratransit service. If visitors have not been certified as eligible by another public entity but claim they are ADA paratransit eligible, they are entitled to “presumptive eligibility” and shall be provided with 21 days of paratransit service. Visitors who are not certified by another transit provider and who claim presumptive eligibility may be requested to provide certain documentation such as their place of residence and the nature of their disability to Eastern Sierra Transit.

The “21 days” of service that shall be provided to visitors with disabilities are to be calculated as any combination of 21 days during any 365 day period beginning with the visitor’s first use of service. For example, a person may visit two days a week. Eligibility would be extended in this case over the eleven week period of time within which 21 days of ADA complementary paratransit service would be offered.

Visitors who require more than 21 days of service within a 365 day period shall be required to apply for local eligibility through the Eastern Sierra Transit ADA paratransit eligibility process. Visitors with disabilities shall be provided the same level of service as



certified Eastern Sierra Transit passengers and are subject to the same service policy requirements.

CONDITIONAL USE AND TRIP BY TRIP ELIGIBLE RIDES

Eastern Sierra Transit will evaluate the eligibility of trip requests for service by passengers certified as Conditional or Trip by Trip at the time of scheduling according to the conditions listed in their certification. Schedulers will immediately inform the person scheduling the ride if the trip is deemed eligible based on conditions listed in their certification. If the trip is found to not be eligible, schedulers are to inform the passenger about the availability of fixed-route service as a viable option to complete the trip.

SERVICE HOURS AND AREA

The Eastern Sierra Transit ADA complementary paratransit services are available during regular days and hours of operation of the Authority's regular fixed route systems. Service is available for trips beginning and ending within three-quarters (3/4) of a mile on each side of each regular Eastern Sierra Transit fixed-route. Commuter, Town-to-Town, and Intercity routes are not eligible for ADA complementary paratransit service.

FARES

Fares for the ADA complementary paratransit service shall not be more than twice the full fare for the fixed route service. One Personal Care Attendant (PCA) can travel at no additional cost. Passengers are required to pay the fare upon boarding the vehicle prior to departure. Checks, ATM or credit cards are not accepted. Eastern Sierra Transit passes can be used. Non-payment of fares will result in a denial of the trip.

CUSTOMER CODE OF CONDUCT

It is Eastern Sierra Transit's policy to provide the safest and most efficient service to our passengers. Passengers who abuse the following Code of Conduct guidelines can adversely affect Eastern Sierra Transit services as a whole. For the safety and comfort of all passengers, Eastern Sierra Transit has established these policies that address instances when a passenger's conduct may adversely affect others. The following identifies the Eastern Sierra Transit policy on customer misconduct.

Electronic Equipment – Customers may not operate any audio or visual equipment, which infringes upon other passenger's safety, comfort, or impairs the driver's ability to transport passengers safely. Examples include audio/visual devices without headsets, portable video games that have sound effects, etc.

Hazardous Conduct – Any act that creates the potential for injury or death to any customer, driver or the general public.

Abusive Conduct – Any abusive, offensive, or threatening act or behavior that affects the safety or security of the driver and/or the passengers, or invades the privacy rights of others such as touching another person in a rude, insolent or angry manner. Sexual harassment, verbal or physical, will not be tolerated. Examples also include profanity, screaming, hitting, etc.



Due to the wide variety and severity of misconduct, Eastern Sierra Transit reserves the right to determine the consequences ranging from a warning to a suspension in service for up to one-year.

Any act that would qualify as misconduct, but is the direct and immediate act of the passenger's disability, such as abusive language that is the consequence of Tourette's syndrome or socially unacceptable behavior brought on by a mental illness, shall be considered Unintentional Misconduct. Consequences of Unintentional Misconduct will be addressed as noted below after counseling with the passenger.

- A passenger may be subject to any reasonable accommodation requirement that will ensure the safety of all passengers and drivers.
 - A passenger may be required to ride with a personal care attendant.
 - A passenger may be required to attend training or receive additional counseling in proper transit conduct.
- The accommodation requirement may last for a time period sufficient to allow the passenger to learn appropriate behavior.
- The accommodation requirement may be permanent if the conduct is beyond the passenger's control.
- If a passenger commits an act of misconduct that he or she has been trained to be inappropriate, that act is considered intentional.

No rider whose access to paratransit service has been suspended for any reason shall lose his or her certificate of eligibility for paratransit services by reason of said suspension. Passengers will be notified in writing before Eastern Sierra Transit takes any of these steps. An eligible passenger whose service is to be suspended because of misconduct has a right to request a hearing through an appeals process.

NO-SHOW POLICY

Because cancellations may cause lost trips and/or rides for other passengers, it is necessary to enforce a no-show and late cancellation policy. This policy is as follows:

- Three (3) no-shows and/or late cancellations within a ninety (90) day period will result in a warning letter.
- Six (6) no-shows and/or late cancellations within a ninety (90) day period will result in a 14 calendar day suspension from service.
- Nine (9) no-shows and/or late cancellations within a ninety (90) day period will result in an additional 30 calendar day suspension from service.
- Ten (10) no-shows and/or late cancellations within a ninety (90) day period will result in an indefinite suspension from service.

This policy prevents excessive bookings and cancellations of rides that deny other passengers needed transportation services. A cancellation or no-show that is disability related will not be counted. The passenger must notify Eastern Sierra Transit that the infraction was disability related and documentation may be required.

Cancellations should be made at least one hour before the scheduled pick-up time. Cancellations made less than one hour prior to the scheduled pick-up time will be considered a late cancellation. This policy applies to all scheduled trips.



Passengers will be notified in writing before Eastern Sierra Transit takes any of these steps. An eligible passenger whose service is to be suspended because of no-shows has a right to request a hearing through an appeals process. An appeal may be filed at any level of suspension. There will be no loss of service while an appeal is in progress.

