

# **Americans with Disabilities Act Policy**

*For*

*Northern Oklahoma Development Authority  
Cherokee Strip Transit*

Approved By: Northern Oklahoma Development Authority Governing  
Board

Accepted Date: August 18, 2010

Revised: November 17, 2016

Revised: \_\_\_\_\_

## **I. Goal**

It is the goal of *Cherokee Strip Transit*, 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 *Cherokee Strip Transit* 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 *Cherokee Strip Transit* that receives or benefits from federal financial assistance.

## **III. Objectives**

The specific objective of the *Cherokee Strip Transit* 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 *Cherokee Strip Transit* ADA Policy.
4. To provide all public information tools on *Cherokee Strip Transit* services in accessible format.

## **IV. Passenger Responsibilities**

All passengers must be able to sit in a bus seat or mobility device 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. *Cherokee Strip Transit* 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 *Cherokee Strip Transit* 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 *Cherokee Strip Transit* drivers will be specifically trained before transporting mobility devices passengers.

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

Drivers are not permitted to maneuver a mobility device 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 mobility devices, 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 mobility devices 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 Devices**

*Cherokee Strip Transit* will accommodate mobility devices as long as the lift or ramp can accommodate the size and weight of the wheelchair or mobility device and its user and there is space for the device on the vehicle. Mobility devices will not be transported if they are inconsistent with legitimate safety requirements. Mobility devices/wheelchairs are 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.*"

*Cherokee Strip Transit* must approve devices not meeting the criteria of a mobility device prior to scheduling. Any passenger who utilizes a device for mobility shall insure the brakes on the device are in working order before transportation can be provided. All passengers boarding the bus in mobility device are encouraged to have the wheels of the device 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 device and a seatbelt and shoulder harness for the mobility device user (such seat belts and shoulder harnesses shall not be used in lieu of a device which secures the mobility device itself.)

The securement system shall limit the movement of an occupied mobility device 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 mobility devices must be secured to the floor of the vehicle using the securement equipment. The drivers will make every effort not to damage mobility devices with the securement straps and hooks.

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

## **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) always 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 ***Cherokee Strip Transit*** 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 ***Cherokee Strip Transit*** vehicles. ***Cherokee Strip Transit*** 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**

***Cherokee Strip Transit*** is committed to providing information about its services, policies and procedures to the public in accessible formats for persons with disabilities

***Cherokee Strip Transit*** 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 ***Cherokee Strip Transit*** staff.

### **X. Public Involvement**

***Cherokee Strip Transit*** 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**

### **Contact Person:**

**Any questions regarding this policy or any aspect of Northern Oklahoma Development Authority dba Cherokee Strip Transit should be addressed to the following transit system representative.**

**Title: Transit Director**

**Address: 622 Comanche, Box 344, Garber OK 73738**

**Phone: 580-863-2279**

**Any person who believes they have been treated by an unlawful discriminatory practice regarding Northern Oklahoma Development Authority dba Cherokee Strip Transit in regards to this policy, has a right to file a formal complaint. Any such complaint must be in writing and submitted to Cherokee Strip Transit's Director within 180 days following the date of the occurrence. The Executive Director of NODA, along with the Transit Project Director will review the complaint within (10) days of the notification. Every effort will be made for a prompt decision and or resolution to the complaint. If he/she wishes to appeal the decision, an appeal may be made to the Northern Oklahoma Development Authority Governing Board. The decision of the board will be the final at the local level. An appeal to the Department of Transportation or the appropriate funding agency could be a further appeal if desired.**