

**San Miguel Authority for Regional Transportation (SMART)
Americans with Disabilities Act of 1990 (ADA) ADA Policy and Fixed Route Procedures**

January 2019

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 Colorado laws and regulations.

The San Miguel Authority for Regional Transportation (SMART) Public Transit System operates three routes. All three are commuter service routes. SMART complies with ADA requirements with respect to such services.

Service Classifications:

SMART Routes:

- 1.) Norwood - *Commuter service*
- 2.) Down Valley - *Commuter service*
- 3.) Rico Shuttle – *Commuter service*

All of these routes are limited service, limited stop commuter shuttles oriented to typical commuter patterns in our region. Therefore, SMART is not required to provide ADA complementary paratransit.

Policy Statement: It is the policy of SMART 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 or contractors will not be condoned or tolerated.

Goals: SMART services are 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 transit system employees, and all employees providing service through SMART's Service Provider (Contractor). 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:

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. A "common wheelchair" does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied.

Commuter Service: Vehicle is operated along a prescribed route according to a fixed schedule. Service is predominantly in one direction during peak periods, with limited stops, and routes of extended length, usually between the central business district and outlying suburbs. Or characterized by limited route structure, limited stops, and coordinated relationship to another mode of transportation.

Disability: A physical or mental impairment that substantially limits one or more major life activities.

Fixed Route Service: Vehicle is operated along a prescribed route according to a fixed schedule.

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 "common wheelchair" as defined by ADA. These include but are not limited to canes, crutches, walkers and "segways" when used by a person with a mobility related disability.

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 SMART ADA Policy

Recruitment and Employment: As stated in the transit systems personnel policies, SMART is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and the State of Colorado.

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of SMART 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. *[Note: Lift cycling as part of the pre-trip inspection is not required by ADA but is recommended by SMART as a way to comply with the federal ADA requirement that transit systems have regular and frequent lift checks, sufficient to determine if lifts are actually operative].*

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

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 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 alight 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.

Priority seating for people with disabilities is designated by permanent signage in each vehicle. In cases where a person with a disability requests use of priority seating that currently occupied by another passenger, the driver will ask that passenger to allow the person with a disability to use of the seat.

Driver Assistance: Drivers will make themselves available for assistance to persons with disabilities and will assist upon request of the passenger. Drivers will leave their seat to assist a passenger with using the vehicle ramp, lift and/or securement systems. 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. SCTD 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 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.

SMART 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, the transit system 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.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting 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, including contractors, are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly assist and treat individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

Announce Stops: All drivers and transit system staff will announce time point stops and where multiple routes are served operators will provide verbal, external route identification announcements. Operators will also announce all stops or specific stops if requested by the customer.

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 Procedure: All complaints of discrimination on the basis of disability will be promptly and objectively investigated by the SMART Executive Director and forwarded to the Board of Directors. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment.

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 the SMART Executive Director at PO Box 3140, Telluride CO, 81435 or david.averill@smarttelluride.com. SMART will work with the individual to find an accommodation solution.

Guidelines and Procedures for SMART Fixed Route Commuter Services

Inoperative Lifts: Vehicles with inoperative lifts will be taken out of fixed route service as soon as possible and inoperative equipment will be replaced promptly with spare vehicle. The inoperative lift will be repaired before the vehicle returns to service.

Eligibility Certification: There is no eligibility certification process at SMART because all fixed routes are considered commuter service and therefore exempt from the complimentary paratransit requirement. Therefore, no eligibility process exists or is required.