

## Posey County Council on Aging, Inc., ADA Policies

It is the policy of POSEY COUNTY COUNCIL ON AGING, INC. to abide by all provisions of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, as amended, including all programs, services, activities, operations and relationships with—and accommodations/modifications of—employees, client-customers, and the general public, including but not limited to those stated below.

The Americans with Disabilities Act of 1990 (ADA) requires that individuals with disabilities receive the same level of service as non-disabled individuals. Services that are “separate but equal” are not acceptable. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

All recipients must keep federally funded equipment and facilities in good operating condition. Recipients must have policies and procedures to maintain vehicles. Recipients must maintain, in operative condition, those features of facilities, vehicles, and other capital equipment that are required to make them accessible. ADA accessibility features must be repaired promptly if they are damaged or out of order. Recipients must establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

Specific transportation provisions of the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973, as amended, include but are not limited to the following requirements:

**Equivalent service:** As required by the ADA, POSEY COUNTY COUNCIL ON AGING, INC. has a sufficient number of, or access to, wheelchair accessible vehicles in our fleet regardless of employment status to ensure that individuals needing an accessible vehicle have equivalent access to our transportation services as ambulatory individuals.

**Maintenance of Accessible Features on Vehicles:** As required by the ADA, the accessible features on our vehicles are maintained in operative condition so that individuals needing these features receive equivalent service to individuals not needing those features. Accessibility features are repaired promptly if they are damaged or out of order. Drivers are required to report lift and ramp failures promptly.

**Transporting and securing wheelchairs:** A wheelchair is 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. POSEY COUNTY COUNCIL ON AGING, INC. will transport passengers with wheelchairs, even in circumstances when the wheelchair cannot be secured to the driver’s satisfaction, unless the wheelchair exceeds the size or weight capacity of the wheelchair lift or ramp.

**Adequate Time for Vehicle Boarding and Disembarking:** As required by the ADA, POSEY COUNTY COUNCIL ON AGING, INC. provides adequate time for boarding and disembarking our vehicles for individuals with disabilities. Additionally, POSEY COUNTY COUNCIL ON AGING, INC. permits individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle’s lift or ramp to board and/or disembark the vehicle.

**Use of Portable Oxygen/Respirator Equipment:** As required by the ADA, individuals using our transportation service may bring respirator, portable oxygen equipment, and/or other life support equipment on board our vehicles, as long as they do not violate the law or rules relating to the transportation of hazardous materials. All

equipment must be small enough to fit into our vehicles safely and without obstructing the aisle and/or blocking emergency exits. Passengers must secure the equipment by means such as carrying the equipment using a shoulder strap or securing the equipment to a wheelchair or a seat.

### **Body Belts/Postural Belts**

POSEY COUNTY COUNCIL ON AGING, INC. will adhere to providing an Equivalency of Service that is required by ADA federal law for those with disabilities and will not require an occupant in a mobility aid to wear a postural belt when boarding, deboarding, or riding a lift platform. However, the transit driver may suggest that one be worn during these processes.

Transportation services may not discriminate against people with disabilities in the provision of their services. They must comply with requirements for accessibility. Thus, POSEY COUNTY COUNCIL ON AGING, INC. will adopt policies that are applicable to all riders.

According to the Americans with Disabilities Act (ADA), "equivalency of service" for individuals with disabilities means providing substantially similar services to those offered to the general public, ensuring that people with disabilities can access the same benefits and participate in the same activities, even if accommodations need to be made to achieve this equivalency.

### **Personal Care Attendants:**

CFR 49 Section 37.123

POSEY COUNTY COUNCIL ON AGING, INC. will provide transit service to individuals accompanying an ADA paratransit eligible individual as follows:

- (1) One other individual accompanying the ADA paratransit eligible individual shall be provided service—
  - (i) If the ADA paratransit eligible individual is traveling with a personal care attendant, the entity shall provide service to one other individual in addition to the attendant who is accompanying the eligible individual
  - (ii) A family member or friend is regarded as a person accompanying the eligible individual and not as a personal care attendant unless the family member or friend registered is acting in the capacity of a personal care attendant
- (2) Additional individuals accompanying the ADA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to ADA paratransit eligible individuals
- (3) To be considered as “accompanying” the eligible individual for purposes of this paragraph, the accompanying person shall have the same origin and destination as the eligible individual

## **Exceeding the Lift's Capacity**

POSEY COUNTY COUNCIL ON AGING, INC. will maintain compliance with the following federal regulatory criteria:

FTA Circular 4710.1

### **2.4.1 Accommodating Riders Using Wheelchairs Requirement**

“Except as provided in this section, individuals using wheelchairs shall be transported in the entity’s vehicles or other conveyances. (1) With respect to wheelchair/occupant combinations that are larger or heavier than those to which the design standards for vehicles and equipment of 49 CFR Part 38 refer, the entity must carry the wheelchair and occupant if the lift and vehicle can accommodate the wheelchair and occupant. The entity may decline to carry a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety requirements.

For example, suppose that a bus or paratransit vehicle lift will safely accommodate an 800-pound wheelchair/passenger combination, but not a combination exceeding 800 pounds (i.e., a design load of 800 lbs.). The lift is one that exceeds the Part 38 design standard, which requires lifts to be able to accommodate a 600-pound wheelchair/passenger combination. The transportation provider could limit use of that lift to a combination of 800 pounds or less.

**Service Animals:** As required by the ADA, any guide dog, signal dogs, or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including but not limited to, guiding individuals with impaired vision or alerting individuals with impaired hearing, have access to our vehicles. All service animals must be kept under the control of their owner at all times and abides by local animal safety regulations.

**Training in Wheelchair Securement, Sensitivity to Passengers:** As required by the ADA, POSEY COUNTY COUNCIL ON AGING, INC. trains its personnel to operate vehicles and equipment safely, assist passengers properly, and treat individuals with disabilities who use the service in a respectful and courteous way. A “Certified Trainer” in Passenger Assistance Safety and Security (P.A.S.S.) provides training to personnel prior to being released to drive for POSEY COUNTY COUNCIL ON AGING, INC.

**Driver use of, and assistance with, Accessibility Equipment:** As required by the ADA, POSEY COUNTY COUNCIL ON AGING, INC. personnel make use of all available accessibility equipment when needed and provide a reasonable level of assistance to passengers as necessary and upon request with lifts, ramps, and securement devices.

**ADA complaints:** POSEY COUNTY COUNCIL ON AGING, INC. discrimination related customer service complaints, including those associated with ADA regulations, are reported to ADOT Civil Rights Office and complaint documentation is maintained on file for one year. ADA related service complaint logs are kept on file for five years, per USDOT regulations.

Contact Executor Director, 812-838-4656, at Posey County Council on Aging, Inc., 611 W. Eighth Street, Mt. Vernon, Indiana 47620, or at executive.pcca@yahoo.com.