



ADA Service Policy

(Revised April 27, 2021)

BUTLER TRANSIT AUTHORITY'S ADA SERVICE POLICY

The Butler Transit Authority (BTA) provides public fixed-route transportation services to ALL individuals and will grant equal access to public transportation for people with disabilities. It further recognizes that since the passage of the Americans with Disabilities Act, provisions have evolved which dictate the operations of its transit service. BTA is committed to adhering to all ADA regulations. A mutual understanding of responsibilities should exist between BTA and all passengers. The policies stated below apply to any and all fixed-route passengers and may be enforced against any passenger, regardless of whether they fall within the definitions set forth in the ADA. The information provided below outlines each participant's role in providing for a safe and enjoyable trip.

I. RESPONSIBILITIES OF BTA DRIVERS:

All BTA Drivers must:

- Provide rides to customers with disabilities.
- Treat ALL passengers with dignity and respect.
- Offer assistance, but not lifting, with boarding and/or deboarding. Such assistance is limited to ensuring that the passenger can have access to transportation.
- Not assume an escort, medical personnel or family members will provide boarding assistance.
- Charge the same fare for a trip whether or not the customer has a disability or requires assistance.
- Not deny service because a disability is annoying, inconvenient or offensive to the driver or other customers.
- Not deny transportation to a rider whose wheelchair or mobility device is difficult to secure.
- Allow service animals to accompany their owners.
- Provide audible announcements of major stops and transfer points.

II. PASSENGER RESPONSIBILITIES

- Know whether or not your mobility aid is compliant with ADA requirements.
- Know the size and weight of your mobility device, with yourself in it, as the maximum size and weight capabilities of lifts vary.
 - BTA's lift platforms measure 32" wide and 51" long. BTA's vehicle lifts are rated at 600 pounds, maximum. Therefore, if you and your mobility device combined weigh more than 600lbs, BTA cannot guarantee your ride or access to BTA transportation. In the event that you and your wheelchair combined exceed the maximum weight restrictions, BTA will not be able to accommodate you and you will need to make alternate transportation arrangements.
- Know how to contact BTA and receive service route schedules and information.
- Arrive at the bus stop at the correct time.
- Pay the proper fare.
- All passengers utilizing BTA transportation services shall maintain appropriate personal hygiene. If riders have open or seeping sores or are leaking bodily fluids, for health and safety reasons, BTA may refuse service until the situation has been contained or corrected.
- Keep service animals under control. This means that your animal must be properly leashed and/or harnessed and under the control of their handlers at all times. You are responsible for any damages or soiling by your animal. An animal may be prohibited from boarding a BTA vehicle if that animal causes a particular threat to the driver or other passengers. All other animals must be caged and under the control of the passenger.
- Comply with BTA's policy of securing ALL wheelchairs and mobility devices.
- Comply with all BTA Policies and Code of Conduct, copies of which may be obtained at the BTA Office or mailed upon request.
- Request lap/shoulder belts and securement for your wheelchair, if desired.
- Signal or ask the driver to stop the bus at the designated stop, prior to arrival at the same.
- Treat the driver and other passengers with courtesy and respect.

III. ADDITIONAL BTA POLICIES

- Visual signage of the bus route will be displayed on the front and side of each bus
- Equipment and devices, such as oxygen, may be transported but must be under the care of the passenger.
- Aides riding the public fixed-route must pay the correct fare.
- Drivers will adhere to flag stops, so long as it is determined to be a safe boarding/deboarding area.
- BTA cannot permit items, whether it be wheelchairs, scooters, baby strollers, carts, bikes or packages, to block aisles or place other riders in danger.
- In the event that all wheelchair securement positions are filled, BTA will require that any wheelchair passengers await the next available vehicle on the route.
- BTA drivers will request that non-ADA passengers vacate preferred seating in order to accommodate an ADA passenger. However, if the passenger refuses to move, BTA's drivers shall not be compelled to move the other passenger.
- Drivers are not permitted to assist passengers in using portable life-saving equipment such as portable oxygen equipment or portable respirators.
- To the extent reasonable, BTA drivers will assist with the loading and unloading of packages. However, it is the responsibility of the passenger to maintain the packages and ensure they do not block the aisle or present risk to other passengers or the driver.
- All mobility devices MUST be secured and face forward or backward. Sideways facing mobility devices shall not be permitted. BTA prefers that ALL passengers being secured in a mobility device be secured with seatbelt restraints as well. However, upon notice that a person's condition makes a lap belt more dangerous due to a passenger's condition, then the seatbelt requirement may be waived.
- So long as it is deemed safe, passengers with disabilities may request a reasonable accommodation from the driver, so long as the request does not undertake a fundamental alteration of service such as arranging specific vehicles for certain passengers.
- Judgment determinations concerning the reasonableness or safety of accommodations and assistance with packages will be in the sole discretion of the BTA driver.
- All BTA employees will be trained on the ADA Service Policy.

□ If a lift is inoperable, BTA will hold the vehicle until it is deemed safe and operable by the maintenance department. Should the lift be inoperable and out of service for a long period of time (greater than five days) and the agency is facing challenging circumstances delivering service, BTA has the right to put the vehicle in service with an inoperable lift. If a person with a disability is in need of the lift, BTA will find an alternative method of transportation.

IV. DISRUPTIVE PASSENGER POLICY:

BTA may refuse service to any individual with a disability who engages in violent, seriously disruptive or illegal conduct or acts as a direct threat to the health or safety to others, using the same standards for exclusion that would apply to any other person who acted in such an inappropriate way. BTA will not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.

In the event that a passenger violates this Disruptive Passenger Policy, they shall be immediately asked to stop or correct the offending behavior. Police assistance may be sought, if necessary. In the event that the customer refuses to cease the behavior, they will be issued a letter detailing the incident and informing them of the intended action of BTA as a result of the passenger's conduct. The letter will also outline BTA's "refusal to provide service" information. In the event the passenger has a guardian or service provider, a copy of said letter will be provided to that person as well. Any such letter may be appealed pursuant to the process outlined in this policy.

Examples of such behavior may include, but are not limited to, the following:

- Failing to appropriately exit the vehicle at the appropriate stop or destination
- Disrupting the driver when he/she is driving the vehicle
- Making physical or verbal threats to drivers or other passengers
- Damaging or destroying vehicle equipment or any employee's or passenger's property
- Unfastening their wheelchair or mobility device while the vehicle is operating
- Swearing, name calling and/or abusive language
- Personal hygiene condition that results in a public health hazard or discomfort to other passengers

****This policy also pertains to undesirable pets that can cause discomfort to others.*

V. ADA COMPLEMENTARY PARATRANSIT SERVICES

BTA coordinates with the Butler Area Rural Transit (BART) to provide ADA Complementary Paratransit Services.

Individuals will not be eligible for ADA Paratransit Services if they are capable of utilizing BTA's Fixed Route Services.

REQUEST FOR CERTIFICATION OF ADA PARATRANSIT ELIGIBILITY:

In order to be eligible for the ADA Complementary Paratransit Services discussed herein, you must first submit a "Request for Certification of ADA Paratransit Eligibility." The Certification Form can be obtained from the BTA Office or mailed by request.

The Certification Form must be verified by a physician. If the Form is received without the required physician verification, it will be denied without further review.

BTA will make every effort to process your Request for Eligibility and notify you of a decision within 7-10 business days from the submission of the same to BTA.

Individuals who have already been certified as eligible or qualified for "Persons with Disabilities" (PWD), will be approved for the ADA Complementary Paratransit Services upon completion of the appropriate applications. In the event that a joint application for PWD and ADA is approved by PennDot, BTA will accept that application in place of the ADA Complementary Paratransit application.

BTA retains the right to review, reevaluate, and redetermine the eligibility of individuals receiving Paratransit Services at any time.

DISPUTE OF ELIGIBILITY DETERMINATIONS:

Any individual wishing to dispute a denial of Paratransit Eligibility, including a denial of eligibility upon reevaluation, may contact the BTA for a second review of their Eligibility Request Form. The second review shall be conducted by the Executive Director of the BTA. The request for a second review must be mailed directly to the Executive Director at 130 Hollywood Drive, Suite 101, Butler, PA 16001. The request for a second review must be submitted no later than 15 days following the initial eligibility determination.

This dispute process applies to individuals disputing temporary eligibility or permanent eligibility status.

VISITOR ELIGIBILITY

In the event that another transit agency has previously reviewed and determined an individual's eligibility for ADA Paratransit services, BTA will accept said determination upon provision of the documentation evidencing that the individual is eligible in his or her home jurisdiction.

In the event a visitor does not have certification from another transit agency, the visitor will be required to show proof of residence to verify they qualify as a visitor. In addition, for a visitor whose disability is not apparent (e.g., cognitive disability or cardiac condition), documentation of disability (a letter from a medical professional or eligibility for other services based on a determination of disability) is acceptable. If the visitor does not possess the referenced documentation, he or she may contact the BTA Executive Director to discuss additional options.

Visitor service is available for any combination of 21 days during any 365-day period beginning with the visitor's first use of the service during such 365-day period.

If you have been deemed eligible for Complementary Paratransit Services and you are unable to access the fixed-route service, please call BART at 724-282-6060. Complementary Paratransit Service is available Monday through Friday, from 7:00 a.m. to 8:20 p.m., and Saturday from 8:34 a.m. to 8:26 p.m. Service is not available on Sundays.

NO-SHOW POLICY

The Butler Transit Authority, in order to better serve its paratransit passengers, herein formally adopts the following update to its ADA Policies related to paratransit passengers:

1. No-Show. A no-show occurs when a paratransit passenger fails to appear at the time and location specified for a scheduled trip. Failure to communicate a cancellation within two (2) hours of a scheduled trip shall also constitute a no-show.
2. Excused No-Show. A no-show shall be excused when a paratransit passenger's failure to make the scheduled trip was due to family emergency, illness, failure of a personal attendant to arrive on time to assist the passenger to make the trip, failure of an appointment to conclude at the expected and scheduled time, mistaken cancellation by a party other than the passenger, failure of a mobility aid, or adverse weather conditions which prevented the passenger from being at the stop. A no-show shall also be excused if the bus arrives outside of the pickup window, never arrives, arrives at the wrong location, or if a cancellation is not received due to communication failure attributable to the Butler Transit Authority.
3. Pattern or Practice. A paratransit passenger will be found to demonstrate a pattern or practice of no-showing when unexcused no-shows account for more than thirty-three percent (33%) of scheduled trips in any ninety (90) day period.

4. Suspension. A paratransit passenger shall have his or her paratransit privileges suspended for a period of one (1) week when he or she demonstrates a pattern or practice of no-showing for scheduled trips. This suspension shall be doubled for each subsequent occurrence that a paratransit passenger is found to demonstrate such pattern or practice of no-showing, exclusive of any trips which had been scheduled during the suspension period. The suspended period shall take effect the Monday following the expiration of fourteen (14) days of the date of any notice of such suspension.

A paratransit passenger's suspension penalty shall restart at one (1) week after one hundred and eighty (180) days without suspension.

5. Notice. Upon the occurrence of two (2) unexcused no-shows, a paratransit passenger shall be notified of the Butler Transit Authority's policies, along with a notice to contact the Butler Transit Authority if a modification to the scheduled ride is necessary or desired.

Notice of suspension shall be mailed within five (5) business days of the paratransit passenger qualifying for such suspension as set forth in Paragraph 4, above.

6. Complaint. If a paratransit passenger feels as though he or she has been unfairly charged with an unexcused no-show, they may contact the Butler Transit Authority in writing to contest such decision, along with the reasoning for the occurrence of the alleged no-show.
7. Return Trip. A return trip shall not be canceled as a result of a no-show unless the Butler Transit Authority is otherwise notified by the paratransit passenger.

VI. TITLE VI POLICY STATEMENT

The Butler Transit Authority, also known as BTA, assures the U.S. Department of Transportation and the Pennsylvania Department of Transportation that no person shall on the basis of race, color, and national origin as provided by Title VI of the Civil Rights Act of 1964 as amended. In addition to Title VI, there are other nondiscrimination statutes that afford legal protection such as Section 504 of the Rehabilitation Act of 1973, the Civil Rights Act of 1987, the Civil Rights Restoration Act of 1987, E.O. 12898, and the Americans with Disabilities Act of 1990, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination or retaliation under any program or activity.

VII. TITLE VI REPORTING PROCEDURES

BTA's Title VI Complaint Procedure is written to specify the process employed by BTA to investigate complaints, while ensuring due process for complainants and respondents. The process does not preclude BTA from attempting to informally resolve complaints. When known to BTA or brought to BTA's attention, BTA will make every reasonable effort to investigate complaints of discrimination.

This procedure applies to all external complaints relating to any program or activity administered by BTA and/or its sub-recipients, consultants and contractors, filed under Title VI of the Civil Rights Act of 1964 as amended, (including Disadvantaged Business Enterprise and Equal Opportunity components), as well as other related laws that prohibit discrimination on the basis of race, color, disability, sex, age, low income, nationality or Limited English Proficiency. Additional statutes include, but not limited to, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990.

VIII. PROCESS

Any individual or his or her representative, who believes that he or she has been subject to discrimination or retaliation prohibited by Title VI and other nondiscrimination provisions, has the right to file a complaint. Complaints must be filed within 180 calendar days of alleged occurrence, when the alleged discrimination became known to the Complainant, or when there has been a continuing course of conduct, the date on which the conduct was discontinued or latest instance of the conduct.

Individuals can file a formal complaint by completing the Title VI Discrimination Form. The form is available on-line at www.butlertransit.com and at the BTA Office located at 130 Hollywood Drive, Suite 101 Butler, PA 16001. The form must be signed by the complainant. As an investigation moves forward, additional information may be required.

Upon receipt of a Complaint, BTA will acknowledge its receipt by written notification and will immediately transmit the complaint to the proper federal agency.

BTA will maintain a log of all Title VI complaints received.