



Americans with Disabilities Act (ADA) Policy

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The ADA is civil rights legislation, which requires that persons with disabilities receive transportation services comparable to those available on the fixed route service.

It is the policy of Whatcom Transportation Authority (WTA) that, when viewed in their entirety, services, programs, facilities, and communications provided by WTA, directly or by a contracted service provider, are readily accessible and usable to individuals with disabilities to the maximum extent possible. 49. CFR 37.105

1. Fares

The WTA charges the following fares:

- Senior/Disabled (reduced cash fare on fixed route)- \$.50
- General Public- \$1.00
- Paratransit - \$1.00
- Paratransit Monthly Pass on File \$13.00
- Paratransit Quarterly Pass on File \$35.00
- General Public 31 Day Pass - \$25.00
- General Public 92 Day Pass - \$75.00
- Fixed Route Senior/Disabled 31 Day Pass- \$13.00
- Fixed Route Senior/Disabled 92 Day Pass \$35.00
- Seniors 75+/Children 8 years and younger (all services) – FREE
- Other passes available

2. Holiday Closures

Whatcom Transportation Authority is closed on the following nationally recognized holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

3. Approved Equipment

Passengers will be transported provided the lift and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements (e.g., the combined weight of the wheelchair/occupant exceeds that of the lift specifications). Additionally, WTA can accommodate mobility devices that meet following minimum standards:

- *Wheelchair* means a mobility aid belonging to any class of three or more wheels, usable indoors, designed or modified for and used by individuals with mobility impairments, whether manually operated or powered
- The measurement of the equipment must be no more than 30" wide and 48" long, including footrests and backpacks.
- Walkers must be collapsible and able to be stored between seats.

- Equipment must be in good working order, with batteries charged, tires inflated, and all parts secure. (49 CFR 37.3)
- WTA may approve non-standard mobility devices on a case-by-case basis when used by a person with a disability for mobility purposes.

4. Mobility Device Brakes

When occupying a lift or securement area, WTA recommends passengers apply their mobility device brakes; however, they are not required to do so. With power chairs or scooters, WTA also recommends the power switch be turned to the “off” position.

5. Portable Oxygen Use

Individuals with disabilities who use portable oxygen devices are allowed to travel with respirators and properly secured portable oxygen supplies. Oxygen supplies must not obstruct the aisle. (49 CFR 37.167(h))

6. Securements

Operators will use front and rear securements to secure mobility devices. Operators will secure mobility devices where they are strongest. Passengers may indicate their preferred securement places on their wheelchairs. However, WTA Operators have responsibility for securing mobility aids as optimally and safely as possible. All occupied mobility devices will be secured front facing, unless on a Fixed Route bus with rear facing securement area. Drivers will assist passengers in negotiating ramps and fastening seatbelts; however, drivers cannot assist riders using power chairs or scooters with the operation of their equipment. WTA will not refuse to transport someone whose mobility device cannot be satisfactorily secured provided the mobility device fits within the definition described in Section 3. (49 CFR 37.165)

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7. Stop Announcements

Stops at major intersections, transfer points, and destination points are be announced on WTA Fixed Route buses. Transit Operators will announce other stops upon request. (49 CFR 37.167 (a-c))

8. Personal Care Attendants

A Personal Care Attendant is someone who travels with, and helps an eligible rider meet their personal needs. Eligibility for the use of a PCA must be authorized before a PCA may accompany the disabled passenger. Once authorized, the rider may travel with the PCA, or travel occasionally with a PCA. Riders must provide their own PCA, if needed. PCA's ride for free.

Guests and companions pay the same fare as the eligible rider. A guest or companion is anyone who accompanies a rider who is not designated as a PCA. (49 CFR 37 (d)) Reservations must be made in advance for guests and companions when riding WTA Paratransit. Riders are guaranteed the right to bring one companion with them, provided a reservation has been made. Other companions will be permitted subject to space available. All PCAs and companions must embark/disembark from the same location as the rider.

9. Service Animals

A service animal is any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability. In order to ride on WTA vehicles:

- The service animal must remain under control of the owner, and behave appropriately.

- The service animal must remain at the rider's feet or on the rider's lap. It may not occupy a separate seat.
- Examples of inadequate control or inappropriate behavior include aggressiveness toward other riders or their service animals, inadequate grooming or cleanliness, howling and barking, etc. (49 CFR 37.167 (d))

10. Pet Policy

Small pets, other than service animals, may also be brought on board provided they are in a suitable carrying container and remain under the control of the owner.

11. Boarding Assistance

Operators shall position the bus to make boarding and de-boarding as easy as possible for everyone, shall minimize the slope of the ramp, and shall use the kneeling option as needed. Bus operators shall provide assistance to passengers upon request. Passengers with disabilities shall be allowed adequate time to board and disembark the vehicle.

12. Maintenance of Lifts or Ramps

Bus operators must test lifts and ramps during pre-trip inspections. Breakdown of accessibility equipment must be reported immediately to dispatch. A vehicle with an inoperable lift or ramp must be removed from service as soon as possible and cannot be returned to service until repaired. If there is a lift or ramp failure, a replacement vehicle must be dispatched if the next trip to the destination of any passenger using a mobility device is scheduled in more than 30 minutes. If the next trip to the destination of any passenger using a mobility device is scheduled in 30 minutes or less, a replacement vehicle may be dispatched, if available. (49.CFR 37.163)

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13. Priority Seating

Upon request, bus operators shall ask – but not require – passengers to yield priority seating at the front of the bus to seniors and persons with disabilities. Drivers are not required to enforce the priority seating designation beyond making such a request.

14. Reserved Seating

Mobility device securement areas on buses are reserved. Passengers using common mobility aids shall be boarded if the securement areas are not otherwise occupied by a mobility device, regardless of the number of passengers on the bus. Bus operators are required to ask passengers sitting in the securement areas to move to other available seats or to stand.

15. Suspension of Service

A rider's privileges may be suspended on any WTA property, vehicle, bus stop, or station for infractions of any of the following rules:

- NO smoking, including e-cigarettes or vaping
- NO unruly or disrespectful behavior
- NO profanity or derogatory statements, including racial slurs
- NO intimidating, harassing, or violent behavior
- NO eating
- NO alcoholic beverages (Non-alcoholic beverages OK if covered by lid or top)
- NO flammable or corrosive items or liquids
- Use of all electronic devices (including cell phones) should be limited so as not to disturb other riders

- Appropriate attire, including shirt and shoes, is required. WTA will speak with riders who exhibit inappropriate attire or behavior. WTA may deny service to riders who continue to exhibit inappropriate attire or behavior.
- Personal hygiene must meet standards a reasonable person would find acceptable for a shared public space. WTA will speak with riders who aren't meeting standards for personal hygiene. WTA may deny service to riders who continue to exhibit unacceptable personal hygiene.
- Engaging in other conduct that is inconsistent with the intended purpose of the transit facility, station, or vehicle. (RCW 9.91.025)
- WTA may also suspend service for violations of its paratransit service No Show Policy.

16. Notification of Policy

WTA will notify the public of the ADA policy on its website www.ridewta.com, in the Transit Guide, and in the paratransit Rider's Guide.

17. Paratransit Service

- a. Eligibility Requirements:* A person may access WTA Paratransit if that person has a disability or disabling health condition that prevents him or her from independently using the WTA Fixed Route some or all of the time. 49 CFR 37.123

The presence of a disability or a disabling health condition by itself does not automatically make a person eligible for paratransit service. The level of a person's ability to successfully ride WTA Fixed Route is the basis for eligibility.

A person is eligible for Paratransit service if she or he:

- is unable to board, ride, or exit a lift or ramp-equipped bus without assistance,
- OR

- needs to use a lift or ramp but it cannot be deployed safely at the person's bus stop,
OR
- has a disability that prevents travel to and from his or her bus stop under certain conditions,
AND
- is certified to use WTA Paratransit

Applications may be submitted in writing or over the telephone. Some applicants may be asked to meet WTA staff to participate in a capability assessment before an eligibility decision can be made. Prospective riders may call 360-733-1144 (TTY 676-6844) to request an application or to schedule an interview.

WTA will respond to applicants in writing within 21 days of receiving a completed application. If the applicant does not receive an answer within 21 days, the applicant shall be treated as eligible and provided services until an answer is received.

b. Categories of Eligibility: A WTA Paratransit applicant's eligibility may be classified as conditional, unconditional, or temporary. These categories are defined and mandated by the Americans with Disabilities Act (ADA) regulation.

Category Type	Description	Type of eligibility
Category 1	A person with a disability who cannot independently ride transit	Unconditional
Category 2	Prevented by disability or combination of disability and architectural barriers from getting to the boarding area	Conditional
Category 3	Prevented from using fixed route during a certain amount of time	Temporary

- c. *Service Area:* WTA Paratransit is provided within 3/4 of a mile of WTA Fixed Route service, except for commuter or express routes. 49 CFR 37.131 (a)
- d. *Origin to Destination Service:* **Paratransit** usually provides curb-to-curb service. Riders needing extra assistance from the bus operator between the door and the vehicle should request this service when reserving trips. Operators are not authorized to enter a rider's residence to assist them.
- e. *Trip Scheduling:* **Paratransit** trips can be scheduled between 7:00 am and 5:00 pm the day before the trip on weekdays and between the hours of 9:00 am and 5:00 pm on Saturday and Sunday. Trips can be scheduled up to 7 days in advance. Trip reservations or changes to previously scheduled trips, are not accepted the day of the trip.

Customer service representatives are available to accept trip reservations:

Monday through Friday	7:00 am - 5:00 pm
Saturday	9:00 am – 5:00pm
Sunday/Holidays	9:00 am - 5:00 pm

- f. *Trip Cancellation:* Unwanted paratransit trips must be cancelled at least an hour before the earliest scheduled pick-up in order to avoid a No-Show penalty

NO-SHOW DEFINITIONS

These definitions apply to all WTA demand response rides, including Paratransit, FLEX, and Zone service. They apply to rides provided directly by WTA employees and to rides provided by any contracted provider (taxi service, as an example) engaged by WTA to provide service. They apply whether the rider arranges the rides, or by someone on her/his, behalf and whether the rides are single trips, subscription trips, or grouped trips.

A No-Show occurs when the WTA dispatch center does not receive advance cancellation notice of a trip, as defined below. WTA staff will make a serious effort to determine the reason for each No-Show.

1) Trips Recorded As No Shows

A No-Show occurs when a demand response vehicle arrives on time for a requested trip, and

- a) The rider is not at the requested pick-up address; or
- b) The rider is at the pick-up address, but decides not to go once the vehicle arrives; or
- c) The rider is at the pick-up address, but does not board within five minutes of vehicle's arrival;
- d) Or the ride is cancelled less than one hour before the scheduled earliest pick up window.

2) Trips Not Recorded As No-Shows

An occurrence is not recorded as a No-Show when a rider misses a trip because

- a) The WTA demand response vehicle did not arrive on time as described in the Rider's Guide;
or
- b) The operator or dispatch office makes an error with the trip, or
- c) An event outside the rider's control occurs, like a sudden change in the rider's health, or an emergency in the rider's family.

3) Trips Scheduled Later In The Day After A No-Show

A rider can schedule multiple rides for one day. If a No-Show occurs for one of them and others are scheduled later in the day, the other rides will remain scheduled unless the rider (or another appropriate person on his/her behalf) cancels them. Communication about cancellations is important. If multiple rides are scheduled and a rider's plans change, the No-Shows can add up quickly if dispatch doesn't know a rider's intentions.

NO-SHOW VIOLATION DEFINITIONS

- 1) WTA tracks No-shows and No-Show violations by calendar month and calendar year. At the beginning of a new calendar year, No-Show violation tracking starts with a "clean slate" for all riders. Violations from previous years do not affect riders' No-Show records in the new year.
- 2) WTA determines Violations by comparing the number of No-Shows to the number of actual trips riders receive each calendar month. Riders who travel less are charged with violations for fewer No-Shows than riders who travel more:

- a) Riders who receive **0-19 trips in a month** will be charged with a violation when **three or more** valid No-Shows are recorded during the month.
- b) Riders who receive **20-39 trips** in a month will be charged with a violation when **four or more** valid No-Shows are recorded during the month.
- c) Riders who receive **40 or more trips** in a month will be charged with a violation when **five or more** valid No-Shows are recorded during the month.

NO-SHOW VIOLATION CONSEQUENCES

- 1) When riders incur No-Show violations, WTA suspends demand response service for them as described below.
- 2) WTA imposes suspensions when riders incur violations in single months, and increasing suspension terms if they incur violations in two or more months in the same calendar year.
 - a) A **first violation** leads to suspension of service for **seven calendar days**.
 - b) A **second violation** leads to suspension of service for **fourteen calendar days**.
 - c) A **third violation** leads to suspension of service for **thirty calendar days**, and **revocation of the ability to request subscription service for at least ninety days**. The ninety-day revocation of subscription service begins after the suspension has ended. (Subscription service is only an option for WTA paratransit service riders, not FLEX or Zone Service riders.)
- 3) If subscription service is suspended for a rider after a third violation, it may be restored if the rider does not incur a No-Show violation during the ninety-day waiting period.

PROCEDURES FOR APPLICATION OF NO-SHOW POLICY

- 1) Operators and Dispatchers document all No-Shows in WTA's mobile data and dispatch system as they occur.
- 2) Contact after No-Shows: WTA staff tries to contact riders (or others supporting them) the same day or the day after a No-Show, to confirm what happened, investigate whether WTA made any mistakes with service, and suggest options for avoiding future No-Shows. This contact gives caregivers of persons with cognitive impairments an opportunity to work on avoiding more No-Shows. Staff keeps a record of these contacts.

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- 3) First and Subsequent No-Show Violations: After the end of each month, dispatch staff reviews the record of No-Shows for the month, and determines which riders have reached the No-Show violation level.
- 4) WTA staff mails a letter to each rider who reaches the violation level. The letter notifies the rider of the proposed service suspension. It details the basis for Trips Not Recorded As No-Shows.

An occurrence is not recorded as a No-Show when a rider misses a trip because

- d) The WTA demand response vehicle did not arrive on time as described in the Rider's Guide;
or
- e) The operator or dispatch office makes an error with the trip, or
- f) An event outside the rider's control occurs, like a sudden change in the rider's health, or an emergency in the rider's family.

4) Trips Scheduled Later In The Day After A No-Show

A rider can schedule multiple rides for one day. If a No-Show occurs for one of them and others are scheduled later in the day, the other rides will remain scheduled unless the rider (or another appropriate person on his/her behalf) cancels them. Communication about cancellations is important. If multiple rides are scheduled and a rider's plans change, the No-Shows can add up quickly if dispatch doesn't know a rider's intentions.

PROCEDURES FOR APPEAL REVIEW

- 1) If the rider wants to appeal a suspension, she/he must contact designated WTA Operations Department staff by letter or telephone within five (5) working days of receiving the notification letter. The rider will continue to receive service during the appeal process. WTA does not guarantee consideration of untimely appeals.
- 2) The rider may choose to have the appeal conducted in person, in writing, or by telephone. Others are welcome to participate in support of the rider. Most riders use an informal approach to register their appeals via a telephone call to the WTA Operations staff. The purpose of an appeal is limited to reviewing relevant facts and how the policy is applied, but this approach allows questions to be resolved quickly, and can lead to mutually agreed modifications to a suspension that support the rider's needs and independence while meeting WTA's goal to improve No-Show rates.

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- 3) If a rider prefers a more formal appeal process, WTA will arrange it in this format:
- a) An appeal hearing will be scheduled within fifteen (15) working days of a formal request for appeal.
 - b) An Appeal Committee will be convened, consisting of a WTA manager or designee, a person with a disability who is a WTA customer, and a professional or advocate familiar with disabilities.
 - c) The rider may present his/her appeal in person, in writing, or by teleconference.
 - d) The hearing will be limited to reviewing the facts and application of the policy.
 - e) The rider will be notified of the appeal decision, in writing, within five (5) working days of the decision date. The determination of the Appeal Committee will be final and binding.
- g. *Paratransit Hours:* WTA Paratransit operates the same hours as the WTA Fixed Route system.

18. Visitor Certification

Visitors are eligible for 21 days of service in a 365-day period beginning on the first day the service is used by the visitor. For additional days of service, the individual is expected to register under WTA's eligibility procedures. For individuals who reside outside the WTA service jurisdictions, WTA shall certify an individual with a disability as a visitor when provided with documentation of residence and a statement that due to their disability the visiting rider is unable to access the Fixed Route. (49 CFR 37.121)

19. Complaint Process

WTA is committed to providing safe, reliable, efficient, and friendly service. WTA takes customer complaints seriously. WTA also recognizes that customers may feel vulnerable about making complaints. For this reason WTA's Customer Comment Policy has strong provisions to protect customers from retribution for making a complaint. WTA customers may register complaints through a variety of channels according to preference, including by telephone, mail, in person, or through electronic means. (RCW 46.07b)

20. Reasonable Modification

Requests for modifications of WTA policies, practices, or procedures, to accommodate an individual with a disability, may be made either in advance or at the time of the transportation service. WTA is best able to address and accommodate a request when customers make their requests before the trip.

21. Direct Threat

If a person is violent, seriously disruptive, or engaging in illegal conduct WTA may, consistent with established procedures for all riders, refuse to carry the passenger. A person who poses a significant risk to others may be excluded [from service] if reasonable modifications to the public accommodation's policies, practices, or procedures will not eliminate that risk. (49CFR 37.5 App. D/ 29 CFR 36.208)

Behaviors that may cause immediate exclusion from the system include:

- Destruction of public property (the vehicle, and/or its furnishings)
- Doing violence to others or to oneself
- Behavior that is seriously unruly, seriously disruptive to service, threatening, or frightening to others
- Behavior that interferes with the safe operation of the vehicle
- Violations of service animal policy by failing to control one's service animal
- Violations of operating rules governing the provision of transportation system-wide
- Engaging in illegal conduct
- Other conduct judged by WTA to represent an actual or potential threat to the health, safety or wellbeing of oneself, the operator, other passengers, and/or transit personnel

Passengers who [are] excluded from the system due to a direct threat have the ability to request an administrative appeal by contacting WTA at (360) 676-7433.

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