



### **Beyond the Borders 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 equal to those available on the fixed route service.

It is the policy of Pierce County Human Services and ATS Trans LLC that, when viewed in their entirety, services, programs, facilities, and communications provided by ATS Trans LLC 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. Fare**

Fare for Beyond the Borders is as follows:

- Fare Free System

#### **2. Holiday Closures**

ATS Trans LLC will run on a limited schedule on the following nationally recognized holidays: New Year's Day, Martin Luther King 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, ATS Trans LLC 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 use by individuals with mobility impairments, whether manually operated or powered

- Walkers must be collapsible and able to be stored between seats or in the vehicle's trunk.
- The mobility device must be in good working order; with batteries charged, tires inflated, and all parts secure. (49 CFR 37.3)

#### **4. Mobility Device Brakes**

When occupying a lift or securement area, it is recommended that passengers apply the brakes on their mobility devices; however, they are not required to do so. With power chairs or scooters, it is recommended that the power switch be turned to the "off" position. Again, this is not mandatory.

#### **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. Securement Policy**

Operators will use front and rear tie-downs to secure mobility devices. Operators will secure mobility devices at the strongest parts of the device; however, the passenger can indicate the most optimal tie-down spot. The mobility device will be secured front facing unless otherwise requested by the passenger. Drivers will assist passengers with securement systems, ramps, and seatbelts; however, drivers cannot assist riders using power chairs or scooters with the operation of their equipment. ATS Trans LLC cannot refuse to transport someone whose mobility device cannot be satisfactorily restrained provided that mobility device fits within the definition described in Section 3. (49 CFR 37.165)

#### **7. Stop Announcements**

Stops at major intersections, transfer points, and destination points will be announced on 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 (PCA) may ride with you at no charge. A PCA is someone who travels with, and helps, a rider who is not able to travel alone. You must provide your own PCA if you need one. Please let us know on your application form whether or not you will be using a PCA. We require this information so in the event of an emergency we have on record required documentation. PCA's and escorts and guests can rider for free without exception. This information will guarantee a place for him or her to ride with you. Guests and companions may ride with you on ATS Trans LLC. Guests and companions are not required to pay a fare. A companion is anyone who rides with you who is not designated as your PCA. (49 CFR 37 (d))

## **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 ATS Trans LLC,

- The animal must be on a leash, tether or harness unless use of such a device would interfere with the task the service animal performs, or the person's disability prevents use of such devices.
- The service animal must remain under control of the owner and behave appropriately at all time.
- Birds, reptiles, amphibians, rodents, and cats must be kept in an enclosed carrier/container.
- The animal must remain at your feet or on your lap. It may not sit on a vehicle seat.
- The animal must not be aggressive toward people or other animals. (49 CFR 37.167 (d))

## **10. Boarding Assistance**

Operators shall position the bus to make boarding and de-boarding as easy as possible for everyone, minimize the slope of the ramp, and 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.

## **11. Maintenance of Lifts or Ramps**

Bus operators must test the lift or ramp during the pre-trip inspection. Break down 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)

## **12. 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.

## **13. 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.

## **14. Suspension of Service**

A rider's privileges may be suspended for any of the following infractions on any Beyond the Borders or ATS Trans property, including vehicles, bus stops, or stations:

- Smoking or carrying a lit pipe, cigar, or cigarette (unless in a designated smoking area).
- Discarding or dumping litter in places other than the recognized receptacles.
- Consuming alcoholic beverages or in possession of alcoholic beverages.
- Loud, raucous, unruly, harmful, or harassing behavior.
- Possessing an unissued transfer.
- Engaging in other conduct that is inconsistent with the intended purpose of the transit facility, station, or vehicle. (RCW 9.91.025)

## **15. Notification of Policy**

ATS Trans LLC will notify the public of the ADA policy on the website and in the rider's guide. Passengers needing to submit a concern about ADA service can access the comment section here <https://g.page/r/CS4fDlbq1GPAEAg/review> and this will record the trip as an BTB ADA Service.

## **16. Paratransit**

Fixed Route services provided by BTB are deviated fixed route services and by initiating a call to dispatcher the service will deviate  $\frac{3}{4}$  quarter of a mile of either side of the fixed service to provide demand like transportation.

Demand service is available in other parts of the county that fall outside of the  $\frac{3}{4}$  mile limit as described in the following text.

- Eligibility Requirements:* A person may access ATS Trans LLC if you have a disability or disabling health condition that prevents you from independently using our buses some or all of the time. 49 CFR 37.123

Presence of a disability or a disabling health condition by itself does not automatically make a person eligible for paratransit service. The ability to ride our buses is the basis for eligibility.

Applications will be reviewed by ATS Trans LLC based on the following eligibility qualifications. You are eligible for ATS Trans LLC service if you:

- are unable to board, ride, or exit a lift-equipped bus without assistance,  
OR
- need to use a lift but it cannot be deployed safely at your bus stop,  
OR
- have a disability that prevents travel to and from your bus stop under certain conditions,  
AND
- are certified to use ATS Trans LLC .

ATS Trans LLC will respond to applicants in writing within 14 days of receiving the

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:* ATS Trans LLC 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:* ATS Trans LLC service is provided within 1 of a mile of Pierce County BTB fixed-route service, except for commuter routes. 49 CFR 37.131 (a)
- d. *Origin to Destination Service:* Based on the functional ability of the rider at the time of application, the driver will provide one of the following types of trips 49.CFR 37.129

<i>Trip Type</i>	<i>Descriptions</i>
Curb to Curb	Customer taken from curb of pickup to curb of destination
Door to Door	Customer taken from door of pickup point to door of destination
Door Though Door	Customer taken from point of pickup into the door of the destination

- e. *Trip Scheduling:* Paratransit trips can be scheduled between the hours of 9:00 am and 4:00 pm at least the day before the trip. No trip reservations will be accepted the day of the trip. Rides will be curb-to-curb unless previously arranged
- f. *Trip Cancellation:* Paratransit trips must be canceled 24 hours in advance.
- g. *Missed/ Late Cancels:* After two missed trips the customer will receive a warning letter. Upon the fourth missed trip the customer will receive a phone call. Upon the fifth missed trip the customer can be suspended from service for up to 6 months.
- h. *Trips Denials:* ATS Trans LLC will count all denials for service. One denial of a multi-legged trip will count as a denial for each leg of the trip.
- i. *Paratransit Hours:* ATS Trans LLC operates the same hours as the ATS Trans fixed route system  
 Monday-Friday: 7:00 am to 5:00 pm.

## **17. 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 ATS Trans LLC eligibility procedures. For individuals who reside outside the service jurisdictions, BTB shall certify an individual with a disability as a visitor when providing documentation of residence and a statement that because of their disability they are unable to access the fixed route. (49 CFR 37.121)

## **18. Comment Process**

ATS Trans LLC is committed to providing safe, reliable, and accessible transportation options for the community. ATS Trans LLC and Pierce County Beyond the Borders have established a Customer Complaint Policy and customers wishing to file a comment and/or obtain a copy of the Customer Complaint Policy may contact ATS Trans LLC at (253)858-7088, or in person at ATS Trans LLC's administration office located at 2220 S Tacoma Way Tacoma, WA 98409 or Request the ADA Coordinator or Human Resources Manager who will work with you to begin the process. or by going directly to the ADA comment page at <https://g.page/r/CS4fDlbq1GPAEAg/review>

## **19. Reasonable Modification**

Requests for modifications of ATS Trans LLC 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. ATS Trans LLC is best able to address and accommodate a request when customers make their requests for before the trip. Contact ATS Trans LLC office customer service for questions

## **20. Direct Threat**

If a person is violent, seriously disruptive, or engaging in illegal conduct ATS Trans LLC 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, 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 ATS Trans LLC 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 excluded from the system due to a direct threat have the ability to request an administrative appeal by contacting ATS Trans LLC at 253 476-8726