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*Revised October 2006
Effective January 5, 2007*



ADA Policies and Procedures

City of Brownsville-Brownsville Urban System

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A. PURPOSE

1. The policies and procedures in this manual have been drafted to ensure that persons with disabilities not be excluded from participation in, be denied the benefits of, or be subject to discrimination in any Brownsville Urban System (BUS) programs or services. [49 CFR 27.11]

2. ADA services provided by BUS, as governed by this manual, will comply with the requirements under the Americans with Disabilities Act of 1990 and related law found at: 42 United States Code (USC) Chapter 126, "Equal Opportunity for Individuals with Disabilities", esp., §§ 12141-12150; 49 USC Chapter 53, "Urbanized Area Formula Grants"; 49 Code of Federal Regulations (CFR) Part 27, "Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance"; 49 CFR Part 37, "Transportation Services for Individuals with Disabilities (ADA)"; 49 CFR Part 38, "Americans with Disabilities Acts (ADA) Accessibility Specifications for Transportation Vehicles"; and 49 CFR Part 609, "Transportation for Elderly and Handicapped Persons"; The Code of Federal Regulations can be accessed online at <http://www.gpoaccess.gov/cfr/index.html>. The United States Code can be accessed online at <http://www.gpoaccess.gov/uscode/index.html>.

3. Definitions for most terms used in this manual can be found at 49 CFR 27.5, 49 CFR 37.3, and 49 CFR 38.3. Other terms will be defined in this manual.

4. References to the laws and regulations listed in section A.2, above can be found in square brackets throughout this manual. Sections in this manual that do not carry a reference are specific to BUS and are neither required nor prohibited by the requirements.

B. ACCESSIBLE FORMATS

1. All information regarding BUS services, including information contained in this policy manual, ride guides, maps, and other documents, will be made available in the following accessible formats upon request: computer disks, taped audio cassettes, Braille, and large print. [49 CFR 37.125(b) & 49 CFR 37.167(f)]
2. All information regarding ADA paratransit service will also be available in Spanish upon request.

C. BUS SERVICE OVERVIEW

BUS provides two kinds of transit services for passengers:

1. *Fixed route* service is bus service provided on a fixed schedule along a pre-established route with various stops along the route. This service is provided primarily by 35 ft. buses that are equipped with wheelchair ramps or lifts, which may accommodate up to two common wheelchairs each, and have space designated at the front of the bus for people with disabilities and the elderly. BUS encourages all persons with disabilities to use its fixed route service. All fixed route vehicles are accessible and most stops along each fixed route are also accessible.

2. *Complementary ADA paratransit service* is service that does not operate along a fixed route or schedule and where passengers are picked up at curbs of different

1. All persons with disabilities who ride on the fixed route system at any time will pay no more than half the fare required of a typical base fare on the system. [49 USC 53 §5307(d)(1)(D) & 49 CFR 609.23] For example, instead of the current typical base adult fare of \$1, disabled persons will pay only \$0.50. This discount does not apply to express routes such as the Sombrero Festival shuttle and express park & ride shuttles. [49 CFR 609 Appendix A]

G. ADA DISCOUNT FARES ON FIXED ROUTES

1. BUS will announce all stops on its fixed route system at transfer points, major intersections, major destination points, and at other intervals sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location. [49 CFR 37.167(b)(1)]
2. At stops where more than one route operates, BUS vehicles and/or drivers will announce the name of the route and route number so that patrons who have visual impairments or other disabilities may identify the proper vehicle to enter. [49 CFR 37.167(c)]

F. STOP ANNOUNCEMENTS ON FIXED ROUTES

1. Space at the front of each fixed route bus is reserved as priority seating for the elderly and disabled. BUS will ask persons who are not disabled or elderly to move from these seats when they are needed by disabled or elderly patrons. [49 CFR 137.167(1)(i)]
2. There is a space in each fixed route bus designated for wheelchairs. BUS will ask persons not in wheelchairs to move from the fold-down seats in this area when the area is needed by a wheelchair user. [49 CFR 137.167(1)(i)]

E. DESIGNATED SEATING ON FIXED ROUTES

1. BUS will maintain in operative condition those features – including lifts, securement devices, signage, etc. – of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. [49 CFR 37.161 (a)]
2. If an accessibility feature is damaged or out of order, it will be repaired promptly. [49 CFR 37.161 (b)] If the repair causes more than a temporary or isolated interruption, patrons who require use of those features while the feature is not usable will be reasonably accommodated by BUS. [49 CFR 37.161 (c)]

D. MAINTENANCE OF ACCESSIBLE FEATURES

locations within time periods requested by the passengers. Accessible vans provide this service to origins within the service area. [49 CFR 37.129] Use of this service requires a passenger to submit an application and obtain certification. ADA Paratransit Service is complementary in the sense that it is meant to be equivalent to fixed route service and afford those with disabilities the same opportunity to use public transportation. It is not in any sense a taxi, door-to-door, or special shuttle service.

2. A disabled person, for the purposes of this discount, is defined as a person "who by reason of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including any individual who is a wheelchair user or has semi-ambulatory capabilities), cannot utilize, without special facilities, planning, or design, mass transportation service or facilities as effectively as persons not so affected." [49 CFR 609.1]

3. Personal care attendants traveling with disabled persons will travel free on the fixed route system. The attendant must be accompanying the disabled person to receive this discount.

4. All disabled persons wishing to receive the discount fare must obtain an Elderly/ADA Card from BUS at the BUS administrative building on 700 Jose Colunga Jr. St. [49 CFR 609 Appendix A] This card has the bus logo and a picture of the passenger, along with identifying information. In order to receive the card, the passenger must present either a valid Medicare card and some additional proof of identity (such as a passport or a Texas Identification Card) or proof of disability. Cards cost \$5.

5. The Elderly/ADA Card must be renewed every three years. Renewal cards are free.

6. The Elderly/ADA Card must be presented to the driver upon boarding a fixed route bus in order to receive the ADA discount.

7. The following is a non-exclusive list of sources that may constitute proof of disability for the purpose of obtaining a Elderly/ADA Card:

a. A letter on business letterhead from a medical doctor or other medical professional indicating the name and address of the person requesting the discount and documenting the disability.

b. A letter on business letterhead or an official ID card from a governmental agency (such as the Social Security Administration or the Veteran's Administration) documenting either the disability or that the person is receiving benefits as a result of a disability.

c. An ADA ID Card from another transit agency in the United States.

8. Cards will be issued immediately upon receipt and verification of materials and after a photo of the passenger is taken. BUS will make copies of all documents received.

H. WHEELCHAIR LIFTS, RAMPS, & SECUREMENT DEVICES

Use of Wheelchair Lifts, Ramps, and Securement Devices

1. BUS will transport any common wheelchair on its vehicles. A common wheelchair does not exceed a width of 30 inches and a length of 48 inches, and does not weigh more than 600 pounds when occupied. [49 CFR 37.3]

2. Wheelchairs must be placed in the designated area on the vehicle where it can be secured. Wheelchairs will not be permitted to ride in any other location. [49 CFR 37.165(b) & (c)(3)]

- 1. All BUS vehicle operators and dispatchers will be trained by the Safety and Training Coordinator in at least the following [49 CFR 37.173]:
 - a. Operation of wheelchair lifts, ramps, and securement devices,

J. OPERATOR TRAINING

- 1. BUS will allow service animals on its vehicles and in its facilities. [49 37.167(d)] A service animal is any guide dog, signal dog, or other animal trained to work for an individual with a disability. No other animals will be permitted.
- 2. BUS will allow any reasonable breathing aid, including portable oxygen tanks and respirators, on its vehicles. [49 CFR 37.167(h)]

I. OTHER MOBILITY AIDS & EQUIPMENT

- 1. BUS has in place a system of regular and frequent maintenance checks of its wheelchair lifts and ramps to ensure operability. [49 CFR 37.163(b)]
- 2. Operators are required to notify supervisors immediately if a lift is inoperable for any reason so that maintenance can be applied. [49 CFR 37.163(c)]
- 3. If a lift or ramp becomes inoperable during service, the vehicle in which the lift or ramp is located will be removed from service, repaired, and placed in service no earlier than the beginning of the next service day unless doing so would reduce the transportation service that BUS provides and there is no spare vehicle available to take the place of the one with the inoperable lift or ramp. In that case, the vehicle with the inoperable lift or ramp may stay in service for no more than three (3) days from the day on which the inoperability was discovered. [49 CFR 37.163(d)&(e)]
- 4. If a vehicle with an inoperable lift or ramp is operating on a route and the headway to the next accessible vehicle on the route is more than thirty (30) minutes, BUS will provide alternative transportation to individuals with disabilities who are unable to use the vehicle because the lift or ramp is inoperable. [49 CFR 37.163(f)]

Maintenance of Wheelchair Lifts, Ramps, and Securement Devices

- 3. If a wheelchair cannot be secured or restrained, the patron may still ride on the vehicle but he/she must remain in the designated area. [49 CFR 37.165(d)]
- 4. In some circumstances, BUS will ask a passenger using a wheelchair to transfer to a vehicle seat, although the passenger will not be required to move. [49 CFR 37.165(e)]
- 5. BUS will allow any patron who requests to board using a wheelchair lift or ramp to do so even if he/she does not use a wheelchair. [49 CFR 37.165(g)] However, lifts and ramps will not be deployed at stops where they will be damaged if deployed or there is some temporary danger that prevents safe use of that stop. [49 CFR 37.167(g)]
- 6. Where necessary or upon request, BUS personnel will assist individuals with disabilities with the use of securement devices, ramps, and lifts. [49 37.165(f)]