



Northeastern Connecticut Transit District

# ADA Policy

[nectd.org](http://nectd.org)

# ADA Policy

Northeastern Connecticut Transit District  
Policy on Accessibility and Compliance with the Americans with Disabilities Act of 1990

In 1990, the Americans with Disabilities Act (ADA) was passed by Congress and signed into law. This civil rights legislation entitles, among other requirements, persons with disabilities equal opportunity to participate in society. As such, public transportation agencies, like the Northeastern Connecticut Transit District (NECTD), are required by law to provide the necessary ADA-compliant equipment and accommodations.

The District is committed to ensuring that people with disabilities are able to take part in, and benefit from, the whole range of public programs, services, and activities offered by the District. The District continues to modify its facilities, programs, policies, or practices, as necessary, to ensure such access is provided.

It is the policy of the Northeastern Connecticut Transit District to implement the legal requirements of the Federal and State governments in a manner so as to meet the following goals:

- To encourage individual and dignified use of the transit system with minimal assistance from transit system employees, contractors, and other users.
- To expedite the safe and efficient boarding, transporting, and departures of all passengers, regardless of mobility status.
- To adapt to a wide range of mobility aids within the physical limitations of current vehicles and available commercial standard equipment.
- To minimize any potential damage to mobility aids from the onboard securement system.

To accomplish this policy, the following specific actions are adopted:

## **Application of Policy**

This policy applies to NECTD services, facilities, and vehicles.

### Facility and Vehicle Design Requirements

All NECTD facilities and vehicles shall meet or exceed the minimum requirements for accessibility, including but not limited to 49 CFR Parts 27, 37, and 38.

## **Vehicle Design Records**

Records will be maintained describing the lift and securement equipment on each NECTD transit vehicle. This information will include the design capacity of the devices to allow determination of what vehicles may be able to accommodate passengers in various types of non-conforming mobility aids.

## **Conforming Mobility Aids**

All people using mobility devices meeting the ADA definition of a common wheelchair shall be accommodated on NECTD services. This definition includes mobility aids meeting all seven of the following requirements:

- Three- or four-wheeled device
- Manually operated or powered
- Usable indoors
- Designed for and used by individuals with mobility impairments
- Not exceeding 30 inches in width when measured 2 inches above the ground
- Not exceeding 48 inches in length when measured 2 inches above the ground

- Not exceeding 600 pounds combined weight of aid and occupant

Mobility devices meeting all these requirements shall be considered Conforming Mobility Aids.

## **Non-Conforming Mobility Aids**

Under certain circumstances, NECTD will allow the transportation of users of non-conforming devices. Such devices include any mobility aid not meeting all seven of the above criteria, including devices with 2 or fewer, or 5 or more wheels; devices not specifically designed for users with mobility impairments, and devices exceeding the maximum dimensions of width, length, and/or occupied weight. It shall be NECTD's goal to transport users of non-conforming devices if they can safely and efficiently board, ride, and alight from NECTD vehicles without damaging either the vehicle or the mobility device. NECTD staff shall establish a procedure to educate users of mobility aids on the standards for common wheelchairs.

## **Boarding**

Passengers who use mobility aids requiring the deployment of the lift or ramp will board prior to other passengers, unless the passenger requests otherwise. Drivers are required to deploy the lift or ramp if requested, even if the passenger is not using a mobility aid. Drivers are required to directly assist passengers upon request by briefly pushing the mobility aid (including up a steeply sloped vehicle ramp), and by properly operating the vehicle lift/ramp and securement systems. At locations where there is no curb or sidewalk, drivers may require passengers to move their mobility aid a short distance to allow for proper and safe deployment of the lift or ramp.

A personal care attendant is permitted to accompany the passenger on the vehicle lift/ramp if required, provided the combined weight of the passenger, mobility aid, and attendant does not exceed 600 pounds. The attendant is not permitted to operate the lift or ramp.

## **Fares**

Fares for users with limited mobility are the same as all other riders. Drivers must assist with fare payment upon request. It is the responsibility of passengers requiring fare payment assistance to have their fare ready and in a convenient location. A personal care attendant accompanying a qualified passenger rides for free.

## **Priority Seating/Securement Area**

A priority seating area shall be designated at the front of each vehicle for passengers with limited mobility not using a secured mobility device. Drivers are required to ask passengers occupying these seats to vacate them upon request of boarding passengers. Drivers are not required to enforce the priority seating designation beyond making such a request.

An area shall be designated close to the lift or ramp entrance for the securement of mobility aids. If this area is occupied by ambulatory passengers and a passenger in a mobility aid boards the vehicle, drivers will request those passengers to relocate, and passengers are required to relocate upon the driver's request, unless the bus is already so full that those ambulatory passengers would be unable to safely stand.

## **Driver Training**

All drivers shall be trained (i.e. APWA, "Trading Places" Assisting passengers with Special Needs) to be proficient in the safe operation of vehicles and equipment. Drivers shall be trained to properly assist persons with disabilities and treat them in a respectful and courteous manner. Drivers need to be familiar with different disabilities and aware of how particular disabilities affect travel. They may also be requested to receive additional sensitivity training as needed.

NECTD shall conduct mandatory ADA refresher training at least annually for all bus drivers and other staff. The ADA refresher training, at a minimum, shall consist of the following:

- one classroom ADA sensitivity training session, and

- one hands-on check to evaluate operator expertise in the boarding, securement and de-boarding of mobility aid devices.

Additionally, all fixed-route operators and transit staff members who are the subject of a validated ADA complaint shall receive specific refresher training tailored to the nature of the complaint. Such training shall be scheduled within 15 calendar days after the completion of the complaint investigation.

## **Securement & Restraint**

It is NECTD policy that mobility aids be secured by the driver while onboard NECTD vehicles. The standard for securement is that drivers must make their best effort to secure the chair, not securement to the satisfaction of the driver. Drivers will receive training in the proper securement of mobility aids both in the hiring process and in regular in-service retraining. A personal care attendant may assist in the securement procedure but the driver must always examine the securements before proceeding.

A conforming lap and shoulder belt shall be provided in the securement area. It shall be recommended to all passengers riding in a secured mobility aid that they be restrained using the lap and shoulder belt, however, it will not be required.

## **Transfer to Fixed Seating**

Drivers shall recommend that users of scooter type conforming mobility aids transfer to fixed seating and allow only the mobility aid to be secured to the bus; furthermore drivers may recommend that users of other particular mobility aids transfer if they believe it to be in the passenger's safety interest due to the design of the mobility aid.—Under no circumstance may drivers require a transfer, even if the mobility aid is not able to be secured to the driver's satisfaction. Drivers are required to use their best effort to secure all mobility aids whether occupied or not.

## **Wheelchair Securement Training Program**

Staff shall implement a program for users of mobility aids to improve driver's ability to correctly secure mobility aids. This program may include but not be limited to marking of preferred attachment points for securement devices, attachment of tether straps where appropriate attachment points are not available, and passenger training on identifying preferred securement methods to drivers on vehicles with different securement systems.

## **Lift Maintenance**

The policy of the NECTD is to check the operation of wheelchair lifts pre and post trip. Any and all deficiencies with the operation or mechanics of the lift will be noted on the Inspection Form and turned in pre trip and post trip for management review. Maintenance of the lifts will take place as per the manufacture's manuals. Daily inspection forms and constant communication with the NECTD management ensures that drivers report all failures of a lift to operate. When a lift is discovered to be inoperative, NECTD shall take the vehicle out of service and replace it with a vehicle with an operating lift within thirty (30) minutes.

## **Service Animals**

Persons with a disability requiring the use of a service animal shall be permitted to board with such animal. Drivers are permitted to request that persons traveling with a service animal identify that the animal is performing a service function either by verbal or visual means, including but not limited to identifying equipment or markings attached to the animal.

## **Announcing of Stops**

Drivers are required to announce, that can be clearly heard throughout the inside of the bus all upcoming time points, transfer points that are not time points, and stops at signalized intersections, as well as any other stops requested by riders. Drivers are required to announce both the stop location and any transfer routes. NECTD staff will develop a program to identify to drivers those stops that must always be announced.

Drivers are required to announce to persons outside the bus at stops the route number, plus the direction and destination where necessary to clearly identify the trip to waiting passengers.

## **Departures**

Passengers who use mobility aid devices will ordinarily depart after other passengers at the same stop.—Drivers are required to deploy the lift or ramp if requested, even if the passenger is not using a mobility aid. Drivers are required to assist passengers upon request. At locations where there is no curb or sidewalk, drivers may suggest an alternate stop to allow for easier deployment of the lift or ramp; however, drivers are required to allow passengers to depart at their requested stop unless doing so is likely to damage the lift/ramp or prevent it from operating properly.

## **Use of Accessibility Devices by Riders Not Using a Mobility Aid**

Drivers shall operate the vehicle lift/ramp upon request for all passengers. This includes use of the lift/ramp for strollers.

The mobility aid securement system may only be used to secure a mobility aid, including non-conforming mobility aids if NECTD and the rider agree that securement of the non-conforming aid is appropriate. The lap-and-shoulder belt may only be used to restrain a passenger riding in a secured mobility aid.

## **Assistance to Passengers with Disabilities not Requiring a Mobility Aid**

NECTD staff shall implement a program to provide travel assistance kits to passengers with disabilities other than those requiring the use of a wheelchair-type device. Such program may include flash card kits for passengers who have difficulty speaking, identification kits in braille or large print formats for low-sighted passengers, and similar items.



## **Replacement Vehicles**

If there is a failure of the lift/ramp or securement devices, 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.

## **Reasonable Modification Policy**

---

### **Background**

Effective July 13, 2015, transit providers are required under 49 CFR 37.5(i)(3) to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services. The process to be used in considering requests for reasonable modifications is described in 49 CFR 37.169.

Basic process requirements that must be met are:

- ▶ Information on the reasonable modification process must be readily available to the public, and must be accessible
- ▶ Advance notice can be required, but flexibility is also needed to handle requests that are only practicable on the spot
- ▶ Individuals requesting modifications are not required to use the term “reasonable modification”

### **Procedure**

Passengers can request reasonable modifications for all modes of transit services provided. Passengers making requests are not required to use the term “reasonable modification.”

Requests should be made at least the day before but flexibility is required for on the spot requests. The transit manager will review all requests and provide the determination. For on-the-spot requests, the driver should contact dispatch. Dispatch will contact the transit manager.

Documentation will be maintained regarding the request and the resulting action taken.

### **Public Information**

The following statement will be posted on the website and the rider guide:

Passengers with disabilities may request modifications to current service procedures to access the service. To make a request, please call us at 860-774-3902 or [ridesnectd@nectd.org](mailto:ridesnectd@nectd.org). Please submit requests at least the day before the trip.

## **ADA Complaint Procedures**

---

If you have a complaint about the accessibility of our transit system or service, or believe you have been discriminated against because of your disability, you can file a complaint. Please provide all facts and circumstances surrounding your issue or complaint so we can fully investigate the incident.

### **How do you file a complaint?**

You can call us, download and use our [ADA complaint form](#), or request a copy of the form by writing or phoning:

Northeastern Connecticut Transit District  
125 Putnam Pike (PO Box 759)  
Dayville, CT 06241  
860-774-3903

You may file a signed, dated and written complaint no more than 180 days from the date of the alleged incident. The complaint should include:

- ▶ Your name, address and telephone number
- ▶ How, why, and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information.
- ▶ The names of any persons, if known, whom the director could contact for clarity of your allegations.

### **Please submit your complaint form to address listed below:**

Title VI Coordinator Northeastern Connecticut Transit District

125 Putnam Pike (PO Box 759)  
Dayville, CT 06241

## **Do you need complaint assistance?**

If you are unable to complete a written complaint due to a disability or if information is needed in another language we can assist you. Please contact us at 860-779-3902 or [ridesnect@nectd.org](mailto:ridesnect@nectd.org).

## **How will your complaint be handled?**

Northeastern Connecticut Transit District investigates complaints received no more than 180 days after the alleged incident. NECTD will process complaints that are complete. Once a completed complaint is received, NECTD will review it to determine if Northeastern Connecticut Transit District has jurisdiction.

Northeastern Connecticut Transit District will generally complete an investigation within 90 days from receipt of a complaint. If more information is needed to resolve the case, Northeastern Connecticut Transit District may contact you. Unless a longer period is specified by Northeastern Connecticut Transit District, you will have ten (10) days from the date of the request to send the requested information. If the requested information is not received, NECTD may administratively close the case. A case may also be administratively closed if you no longer wish to pursue it.

After an investigation is complete, Northeastern Connecticut Transit District will send you a letter summarizing the results of the investigation, stating the findings and advising of any corrective action to be taken as a result of the investigation. If you disagree with Northeastern Connecticut Transit District determination, you may request reconsideration by submitting a request in writing to Northeastern Connecticut Transit District director within seven (7) days after the date of Northeastern Connecticut Transit District letter, stating with specificity the basis for the reconsideration. The director will notify you of the decision either to accept or reject the request for reconsideration within ten (10) days. In cases where reconsideration is granted, the director will issue a determination letter to the complainant upon completion of the reconsideration review.

## **Do I have other options for filing a complaint?**

We encourage that you file the complaint with us. However, you may file a complaint with the Bureau of Public Transportation at the Connecticut Department of Transportation or the Federal Transit Administration.