

Amarillo City Transit (ACT)

Reasonable Modification of Public Transportation Services Policy

July 13, 2015

Amarillo City Transit (ACT) operates two distinct public transportation services – a traditional fixed route system and a complementary paratransit service - Spec-Trans. Both Fixed Route and Spec-Trans serve elderly, people with disabilities and ambulatory customers. Many customers, because of their disability, are unable to navigate an accessible fixed route bus and are eligible to use the Spec-Trans service.

ACT is required by the Americans with Disabilities Act (ADA) to operate Spec-Trans in a manner that is comparable to the Fixed Routes. Both the Fixed Route and Spec-Trans have a comparable set of operating policies and procedures. These policies and procedures are designed to safely serve a diverse customer base in a cost effective and efficient manner.

ACT will consider a reasonable modification to policies, practices and procedures to ensure public transportation is operated in an accessible manner. Requests for a modification to ACT's policies and practices may be denied if the requested modification is unreasonable, meaning:

- Would fundamentally alter the nature of the ACT's services, programs or activities,
- Granting the request would create a direct threat to the health or safety of others,
- Without the requested modification, the individual with a disability is able to fully use ACT's services, programs or activities for their intended purpose,
- The request would cause an undue financial and administrative burden.

It is also important to remember that, "the Americans with Disabilities Act (ADA) is a civil rights statute, not a transportation or social service program statute. The ADA clearly emphasizes nondiscriminatory access to fixed route service, with complementary paratransit acting as a "safety net" for people who cannot use the fixed route system. Under the ADA, complementary paratransit is not intended to be a comprehensive system of transportation for individuals with disabilities. Another way of saying this is that the ADA does not attempt to meet all the transportation needs of individuals with disabilities. Section 37.123 ADA Paratransit Eligibility – Standards"

The first line of defense for each bus and each passenger is the driver. In many cases – the passengers on ACT's vehicles are Amarillo's most vulnerable citizens. In order to avoid a direct threat to their safety, ACT will first and foremost consider the safety of the passengers in the bus before approving a reasonable modification.

To request a modification to Amarillo City Transit's (ACT) policies and practices, the individual or someone on their behalf must submit a request to ACT. The request must include the following information:

- Who needs the modification – (Name, phone number, address, e-mail address)
- What do you want ACT to do – (Describe the change you want to see take place)
- When is the modification needed – (Is the change needed on a certain day or time)
- Where will the modification take place – (Include the street or intersection or building name)
- Why is the modification needed – (Describe the circumstances that created the request)

Requests for a modification of ACT's policies and practices may be denied if the request:

- Would fundamentally alter the nature of the ACT's services, programs or activities,
- Granting the request would create a direct threat to the health or safety of others,
- Without the requested modification, the individual with a disability is able to fully use ACT's services, programs or activities for their intended purpose,
- The request would cause an undue financial and administrative burden.

When ACT denies a reasonable modification request, ACT shall offer, to the maximum extent possible, any other action (that would not result in a fundamental alteration, or direct threat, or an undue financial and administrative burden) that may enable the person to use ACT for its intended purpose.

When a request for a bus stop modification cannot be made and approved of in advance – because of a barrier which the individual with a disability was unaware of until arriving at the bus stop, ACT shall evaluate the request as the barriers are identified. The driver shall ask a supervisor to evaluate the request at the bus stop and when possible, the supervisor will make a determination at that time.

It is not discrimination under the ADA for ACT to refuse to provide service to an individual with disabilities if that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others.

This policy is available on the City of Amarillo's website – www.amarillo.gov

Fixed Route Modification

Please send your Fixed Route requests to:

Mr. Brett Lawler, Fixed Route Operations Supervisor at 806-378-6860 (TTY 806-372-6234)

Or e-mail your request to brett.lawler@amarillo.gov

You may submit your request in person and visit the administrative offices at 801 SE 23rd Street.

The Transit Department offices are located on Route 4 with a bus stop at the front door.

Or you may submit your request by mail to:

The City of Amarillo – Amarillo City Transit
P.O. Box 1971
Amarillo, Texas 79105
Attention: Mr. Brett Lawler Fixed Route Supervisor

Please notify Mr. Lawler indicate how you would like to be informed of the decision – a letter, an e-mail, or by phone. If you do not indicate a preferred method, a letter will be mailed to the address in the original correspondence.

You will be notified in writing of the determination of your reasonable modification request within 20 business days of the receipt of your request.

Spec-Trans

Amarillo City Transit operates Spec Trans service in a manner that allows eligible passengers to travel from their origin-to-destination. Although ACT has established a curb-to-curb service as the basic paratransit service mode, measures are taken to make sure passengers are able to travel from their origin-to-destination, beyond the curb to curb.

ACT maintains a flexible policy to provide this enhanced service to eligible passengers on a case-by-case basis when needed and appropriate to meet the origin-to-destination service requirement, so long as the needs would not fundamentally alter the nature of the service or create an undue burden.

To ensure adequate assistance will be available, passengers must let the dispatcher know that additional assistance will be needed for their trip at the time they make a reservation for Spec Trans. This will give ACT ample time to evaluate how to best meet the needs and attempt to foresee any problems that may occur during the trip.

If a passenger regularly requires assistance, they should note it in their application or call 378-3095 and request the information be added to their file. Even though ACT requests notification of assistance, if passengers need assistance, every effort will be made to provide the assistance regardless of advance notice.

To limit the amount of time the vehicle and other passengers in the vehicle are left unattended, drivers will not approach the door of a pick-up point until they can see the passenger approach the threshold. **After** the driver sees the passenger approach the threshold, the driver will exit the bus to assist the person to the vehicle as needed.

To request door to door service, notify the Spec-Trans Operations Supervisor or the dispatcher when you schedule your trip and ask the supervisor or the dispatcher to include the information in your certification file and note the information on your Spec-Trans application

Spec Trans service **DOES NOT** include any of the following:

- Entering a building beyond the threshold or the ground level
- Parking vehicles in a location that blocks or impedes traffic
- Assisting passengers on unsafe or steeply inclined mobility ramps or stairs
- Locking/unlocking doors or activating/deactivating house alarms
- Carrying, loading/unloading personal items
- Operating a passengers electric wheelchair
- Any action that would fundamentally alter the nature of the service
- Any action that would create an undue burden
- Apartment complexes that require an access code or card

Spec Trans service will **CONSIDER** the following:

- Gated parking lots will be carefully considered after a Supervisor determines a vehicle can safely navigate the area
- Leaving the bus unattended or losing sight of the vehicle will be carefully considered after a Supervisor determines the action can be safely completed

ACT will not take any action that would clearly be considered unsafe to ANY person

If a passenger requests a driver to enter a parking lot to pick them up, the bus driver will enter the parking lot and pick up the passenger at the agreed upon location (for example – door number 4 at Westgate Mall). If the driver is unable to safely enter a parking lot, the Spec-Trans passenger should meet the van at the curb of the pick-up address.

Upon request, Spec-Trans drivers will offer and provide assistance as needed for riders boarding and/or exiting the bus. This includes sighted guide, assistance in climbing the steps of the bus, deploying the lift and assisting ambulatory and wheelchair riders, depositing the fare in the farebox (upon request), assistance with a seat belt (upon request) and securing a wheelchair.

Spec-Trans passengers may bring a Personal Care Attendant with them if they require assistance beyond the scope of allowed assistance a driver can offer. PCAs may ride free of charge while accompanying the person with a disability who requires assistance.

Spec-Trans Modification

Submit your Spec-Trans request to:

Mr. Alan Terry, Spec-Trans Operations Supervisor at 806-378-6843 (TTY 806-372-6234)

Or e-mail your request to alan.terry@amarillo.gov

You may submit your request in person and visit the administrative offices at 801 SE 23rd Street.

The Transit Department offices are located on Route 4 with a bus stop at the front door.

Or you may submit your request by mail to:

The City of Amarillo – Amarillo City Transit
P.O. Box 1971
Amarillo, Texas 79105
Attention: Mr. Alan Terry Spec-Trans Operations Supervisor

Please notify Mr. Terry how you would like to be informed of the decision – a letter, an e-mail or by phone. If you do not indicate a preferred method, a letter will be mailed to the address in the original correspondence.

You will be notified in writing of the determination of your reasonable modification request within 20 business days of the receipt of your request.

Complaint Process

For more information on the City of Amarillo's Reasonable Modification Policy and Procedures or to file a complaint contact,

Transit Manager, Ms. Judy Phelps at 806-378-6842, (TTY 806-372-6234)

Or e-mail judy.phelps@amarillo.gov

You may submit your request or complaint in person and visit the administrative offices at 801 SE 23rd Street. The Transit Department offices are located on Route 4 with a bus stop at the front door.

Or you may submit your request or complaint by mail to:

The City of Amarillo – Amarillo City Transit
P.O. Box 1971
Amarillo, Texas 79105
Attention: Ms. Judy Phelps

Please notify Ms. Phelps how you would like to be informed of the decision – a letter, an e-mail or by phone. If you do not indicate a preferred method, a letter will be mailed to the address in the original correspondence.

You will be notified in writing of the determination of your reasonable modification request within 20 business days of the receipt of your request.

Appeals Process

You may appeal if you disagree with the decision on a complaint or request for reasonable modification. There are three (3) opportunities to appeal. Appeals should be made in the following order:

1. Amarillo City Transit Manager
2. Deputy City Manager
3. Advisory Committee for People with Disabilities

The first appeal must be received by the Transit Manager within ten (10) business days. You may submit your appeal as follows:

Transit Manager, Ms. Judy Phelps at 806-378-6842 (TTY 806-372-6234)

Or e-mail your appeal to Judy.Phelps@amarillo.gov

You may submit your request in person and visit the administrative offices at 801 SE 23rd Street.

The Transit Department offices are located on Route 4 with a bus stop at the front door.

Or, you may submit your request by mail to:

The City of Amarillo – Amarillo City Transit
P.O. Box 1971
Amarillo, Texas 79105
Attention: Ms. Judy Phelps Transit Manager

Please notify Ms. Phelps how you would like to be informed of the decision – a letter, an e-mail or by phone. If you do not indicate a preferred method, a letter will be mailed to the address in the original correspondence.

At each level of appeal you will receive a response within twenty (20) business days. If the appeal is in your favor, the reasonable modification will be implemented. If the appeal is not in your favor, you will be given instructions on how to proceed with the next level of appeal. The Advisory Committee for People with Disabilities is the final level of appeal and their decision is final.