Americans with Disabilities Act of 1990 (ADA)
Policy and Procedures

Purpose: This policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable Maryland laws and regulations. All services operated by Chesterwye Center, Inc. are operated on a demand basis and the system complies with the ADA requirements with respect to such services.

Policy: It is the policy of Chesterwye Center, Inc. human service transportation system to comply with all the legal requirements of Federal and State laws and regulations as they pertain to individuals with disabilities. Chesterwye Center, Inc. human service transportation system provides quality transportation services without discrimination to all eligible clients including eligible individuals with disabilities. Discrimination on the basis of disability against any eligible client by Chesterwye Center, Inc. employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets these goals to:

1. Provide individual, dignified services to all eligible individuals including eligible individuals with disabilities.
2. Expedite the safe and efficient boarding, securing, transporting and alighting of all eligible clients, regardless of mobility status.
3. Accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

Applicability: This policy applies to all Chesterwye Center, Inc. employees, services, facilities and vehicles. It applies equally to all eligible individuals needing and/or using the services provided by the system.

Definitions:

Wheelchair: a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

Disability: A physical or mental impairment that substantially limits one or more major life activities.

Mobility Aid/Non Wheelchair Mobility Device: A device used by an individual with a mobility impairment to assist with mobility but does not meet the requirements of a wheelchair as defined by ADA. These include but are not limited to canes, crutches, walkers, wheeled walkers, and "Segways" when used by an individual with a mobility related disability.

Securement Equipment: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Recruitment and Employment: As stated in the Chesterwye Center, Inc. personnel policies, the agency is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: Chesterwye Center, Inc. facility, passenger facilities and vehicles shall meet or exceed the requirements of 49CFR Parts 27, 37 and 38 and the State of Maryland. Vehicles purchased for human service transportation purposes will only be non-accessible to the extent that the system, when viewed in its entirety, provides the same level of service to individuals with disabilities, including individuals who use wheelchairs as individuals without disabilities.

Vehicle and Route Assignment: To the extent possible, the assignment of particular types of vehicles will be based upon eligible client needs. However, in the interest of preparedness, standard operating procedures shall be to station accessible vehicles first on runs that operate on a daily basis and have the potential for accessibility needs on a given day, second on runs that have a history of higher accessibility needs and third on all other runs. Chesterwye Center, Inc. will make all reasonable efforts to make an accessible vehicle available whenever requests are made. Trip denials will be tracked by disability to monitor whether trips are disproportionately denied to individuals with disabilities because an accessible vehicle is not available. Should this be found to be the case, inaccessible vehicles will be replaced with accessible vehicles until the system, when viewed in its entirety, is accessible.

Wheelchair Accommodation: Human service transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space for the wheelchair on the vehicle. If a vehicle lift/ramp and securement area can accommodate a mobility device, Chesterwye Center, Inc. will transport the device (and its user).

Boarding: Drivers will provide adequate time for a client/passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary to accommodate slower clients/passengers and waiting for clients/passengers to be seated before

moving the vehicle. It is the responsibility of the Chesterwye Center, Inc. to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pick-up site. The passenger and/or their guest, escort or attendant will maneuver the client/ passenger and mobility aid to the vehicle. Only a properly trained Chesterwye Center, Inc. employee (driver) can operate the lift, secure the wheelchair on the lift and in the securement station.

Priority Seating: With the exception of the wheelchair securement stations, Chesterwye Center, Inc. does not require any passenger to sit in designated seating. However, this does not supersede Chesterwye Center, Inc.'s right to require any passenger who has caused a disruption in the safe travel of other clients/passengers and/or driver to be required to sit in a specific area of the vehicle as a
condition of transportation. Further, nothing in this section prohibits Chesterwye Center, Inc. from designating specified seating in order to meet the special travel needs of its clients.

Priority seating for people with disabilities is designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that currently is occupied by another client/passenger, the driver will ask that client/passenger to allow the individual with a disability to use the seat.

Driver Assistance: Drivers will make themselves available for assistance to individuals with disabilities and will assist upon request of the passenger. Drivers will leave their seat to assist a client/passenger with using the vehicle ramp, lift and/or secure systems.

Securement: Securement of the wheelchair class of mobility devices is the responsibility of the driver, and drivers will be trained in the proper operation of all securement equipment based on manufacturer specifications. Non-wheelchair mobility aids are the responsibility of the individual client/passenger; however, it must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other client/passengers. Drivers should not allow a client/passenger is using, the driver will still make as attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the client/passenger still has the right to ride the vehicle. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the client/passengers of the danger of riding in a non-secured wheelchair. Client/passengers who refuse to allow their wheelchairs to be secured may be denied service. Drivers must secure wheelchairs in the designated securement area only, even if the client/passenger wants their mobility device to be secured in a non-designated area. Seat belts and shoulder harnesses are required for ALL client/passengers.

Transfer to Fixed Seating: All client/passengers using seated mobility devices have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, users of seated mobility devices to transfer to fixed seating.

Service Animals: In compliance with 49 CFR Part 37, Chesterwye Center, Inc. allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal, but may ask what tasks the animal has been trained to

perform. However, any animal which is not under the client/passenger's control or which becomes a threat to other client/passengers may be restricted from riding.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. However, the driver will allow a client/passenger who uses the lift to disembark at any location, unless the lift cannot be deployed, the lift will be damaged if deployed; or conditions at the stop would present unsafe conditions for all passengers. The driver will unsecure the wheelchair and operate the lift to return the client/passenger to the ground level. Only a properly trained Chesterwye Center, Inc. employee can operate the lift, secure the wheelchair on the lift and in the securement station.

Use of Accessibility Devices by Individuals Not Using a Wheelchair: A client/passenger who is not using a wheelchair or other seated mobility aid may use the lift to board or alight the vehicle upon request.

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts and wheelchair securement devices, will be maintained in operative condition. This includes providing preventive maintenance on lifts as recommended by the equipment manufacturers, cycling the lift as part of each pre-trip inspection*, taking vehicles with inoperative lifts out of service, and repairing inoperative equipment promptly. Drivers are required to report lift failures as soon as possible. (**Note: lift cycling as part of the pre-trip inspection is not required by ADA but is required by MTA as a way to comply with the Federal ADA requirement that human service agencies conduct regular and frequent lift checks sufficient to determine if lifts are actually operative).*

Accommodation of Portable Oxygen: Clients/passengers are allowed to travel with respirators, concentrators and portable oxygen supplies on board, consistent with applicable U.S. Department of Transportation rules on the transportation of hazardous materials.

Staff Training: All drivers and Chesterwye Center, Inc. Mobility staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly assisting and treating individuals with disabilities with sensitivity.
Chesterwye Center, Inc.Mobility drivers are trained to report any deficiencies or equipment failures to the Mobility Manager or Assistant Mobility Manager immediately.

Rider Information: All Chesterwye Center, Inc. printed informational materials are make available in accessible formats **upon request**, for example, large print for individuals with low vision or audio for blind individuals, as well as accessible electronic formats.

Complaint Procedure: All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to Michael Yates, Title VI Manager. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. (*Note: You may use the Complaint Form and procedures developed for your Title VI Program if they are to be the same. If you do, just reference such here. If you will have a differing ADA Complaint Form and*

procedures, then you will need to attach them to this ADA Program. A sample ADA Complaint Form is found on the last page of this template).

Modification of Policy: If a client/passenger requires modification of any of these policies to accommodate their disability, they may request such a modification by contacting Michael Yates, Title VI Manager. Chesterwye Center, Inc. will work with the individual to find an accommodation solution.

ADA-RELATED COMPLAINT FORM

Chesterwye Center, Inc. is committed to providing safe and accessible transportation services. Any person who believes she or he has been discriminated against on the basis of disability by Chesterwye Center, Inc.may file a complaint by completing and submitting this form (by mail) to its offices at 110 Chesterwye Ln Grasonville, MD 21638. You may also file your complaint by phone at 410-827-7048 or by email at myates@chesterwye.org.
Please make sure to provide us with your contact information in order to receive a response.

SECTION I: CONTACT INFORMATION

Name of individual discriminated against:

Rider/Client ID (if applicable):

Street Address:

City, State, Zip Code:

Telephone (Work, Cell, Other)

Email:

Accessible Format Requirements:

[] Large Print [] TDD/Relay [] Audio Recording [] Other: _____

If you are completing this form on behalf of the individual named above, please complete the following:

a. Please indicate the relationship you have with the person who is filing the complaint:

b. Explain why you are completing this form for the person filing the compliant:

c. Please confirm you have obtained the permission to complete this form from the person filing the complaint. [] Yes [] No

d. Your contact information:
Name:
Address:

Telephone (Home): Telephone (Work):
Email:

Accessible Format Requirements:
[] Large Print [] TDD/Relay [] Audio Recording [] Other: ____

SECTION II COMPLAINT DETAILS

Date of Occurrence:
Explain as clearly as possible what happened and why you believe you were discriminated against. Include the location and describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use additional sheets. You may also attach any written materials or other information that you think is relevant to your complaint.

Mobility Aid Used (if any):

Have efforts been made to resolve this complaint? [] No [] Yes – If yes, what is the status?

Have you previously filed an ADA complaint with Partners In Care Maryland? [] No [] Yes
If yes, please indicate date of previous complaint:

Have you filed this this complaint with any other local, State or Federal agency, or with any Federal or state court? [] No [] Yes – If yes, please indicate which agency(ies) or court(s).

SECTION III: FOLLOW-UP

What corrective actions do you believe would address your complaint?

Would you like a response following our investigation of this complaint? [] Yes [] No

May we contact you if we need more details or information? [] Yes [] No

What is the best way to reach you? (Choose One) [Phone, Email, etc.]

If a phone call is preferred, what is the best day and time to reach you?

SIGNATURE AND DATE REQUIRED BELOW

Signature: _____
Date: _____

Chester Wye, Inc.
Americans with Disabilities Act Assurance

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The Americans with Disabilities Act of 1990 prohibits discrimination against individuals with disabilities in the areas of employment, public services including transportation, public accommodations including services operated by private entities and telecommunications. This Federal law sets forth specific requirements for transportation services, vehicles and facilities. The regulations were codified by the U.S. Department of Transportation in:

- 49 CFR Part 37 – Transportation Services for Individuals with Disabilities
- 49 CFR Part 38 – Accessibility Specifications for Transportation Vehicles

Under Section 504 of Rehabilitation Act of 1973 (29 U.S.C. 794), an individual may not be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance solely by reason of his or her disability.

Signature and Date

We are committed to ensuring that no person is excluded from participation in or denied benefits of the transit services we offer.