

POLICY 3.0 – COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

ARTICLE I: PURPOSE

Federal Transit Administration (FTA) grantees are required to comply with Title I and Title II of the Americans with Disabilities Act (ADA) of 1990 which states that no entity will discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of complementary paratransit service. Grand Valley Transit herein establishes its Policy to comply with the requirements of the ADA and its implementing regulations of Title 49 of the Code of Federal Regulations (49 CFR) Parts 27, 37 and 38.

ARTICLE II: BACKGROUND

The Grand Valley Regional Transportation Committee, henceforth referred to as "Grand Valley Transit" (GVT), must comply with the ADA requirements for non-discrimination in vehicle and facility accessibility, and other service requirements specified in the regulations. GVT will certify compliance in its Federal Transit Administration (FTA) Annual List of Certifications and Assurances.

ARTICLE III: OVERSIGHT OF GVT TO ENSURE ADA COMPLIANCE

Mesa County's ADA Coordinator will sufficiently monitor GVT's ADA complementary paratransit service provided by contractors in order to confirm internally and in some cases to FTA during oversight activity, that the service is being delivered consistent with the ADA requirements. When transit agencies contract with other entities (public or private), these other entities "stand in the shoes" of the agency. Section 37.23 of 49 CFR requires the agency to ensure that the other entity meets the relevant Part 37 requirements. GVT enters into clearly worded and concise contracts with explicit service provision requirements, including minimum performance standards, incentives and penalties, and regular reporting.

Oversight practices to ensure ADA compliance are conducted by the Mesa County ADA Coordinator, as outlined in the table below.

Focus	Monitoring Topics	How Mesa County ADA Coordinator Ensures Compliance
Transportation Facilities	Design review Construction oversight	Meet with Construction Project Manager to ensure ADA specifications are included in architectural designs and in construction. Randomly visit construction site with Mesa County building inspector and Mesa County Facilities Department to ensure ADA specs are built properly.
Vehicle Acquisition and Specifications	In-delivery vehicle inspections	Ensure vehicle order includes ADA specifications. Upon delivery of new vehicle and before acceptance, ADA Coordinator will inspect vehicle to ensure specs are properly included.
Fixed Route Service	Stop announcements Route identification announcements	Mesa County enlists secret riders and the ADA Coordinator to monitor stop and route identification announcements. Monthly reports randomly monitoring announcements are completed by the contractor and reviewed by ADA Coordinator.
Demand Responsive Service	Determining equivalency for each service requirement (see GVRTC Policy 8.0 Title VI Program, ARTICLE VI, Part A)	Random in-person monitoring by ADA Coordinator and secret riders. Monthly reports of service requirements provided by the contractor and reviewed by ADA Coordinator.
Complementary Paratransit Service	On-time pickup performance Denials and missed trips Trip lengths Telephone system performance	Random in-person monitoring by ADA Coordinator and secret riders. Monthly reports of service requirements provided by the contractor and reviewed by ADA Coordinator.

Focus	Monitoring Topics	How Mesa County ADA Coordinator Ensures Compliance
ADA Paratransit Eligibility	Timeliness of ADA paratransit eligibility determinations Accuracy of no-show and missed trip coding	Random monitoring of paratransit scheduling software and records (ADA Coordinator has direct access).
Passenger Vessels	Accommodating passengers who use mobility aids Providing on-board assistance Complaint processing	Random in-person monitoring by ADA Coordinator and secret riders. Monthly reports of service requirements provided by the contractor and reviewed by ADA Coordinator. The ADA Coordinator receives ADA complaints and works with Contractor to investigate complaints.

ARTICLE IV: PARATRANSIT AS A COMPLEMENT TO FIXED-ROUTE SERVICE

Section 1 – Requirement for Comparable Complementary Paratransit Service

GVT shall provide paratransit service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed- route service.

Section 2 – ADA Paratransit Eligibility Standards

If an individual meets the eligibility criteria of this section with respect to some trips but not others, the individual will be deemed ADA paratransit eligible only for those trips for which he or she meets the criteria. This will be deemed conditional eligibility. Individuals may be ADA paratransit eligible on the basis of a permanent or temporary disability.

The following individuals will be considered ADA paratransit eligible:

- 1) Any person with a disability who is unable to board, ride, or disembark from an accessible vehicle without the assistance of another person (except for the operator of a lift or other boarding device)
- 2) Any person with a disability who could ride an accessible vehicle but the route is not accessible or the lift does not meet ADA standards
- 3) Any person with a disability who has a specific impairment-related condition that prevents the person from traveling to or from a boarding/ disembarking location

Individuals accompanying an ADA paratransit eligible individual will be provided service as follows:

- 1) One other individual accompanying an ADA paratransit eligible individual will be provided service:
 - a) If the ADA paratransit eligible individual is traveling with a personal care attendant, GVT will provide service to one other individual in addition to the attendant who is accompanying the eligible individual;
 - b) A family member or friend is regarded as a person accompanying the eligible individual, and not as a personal care attendant, unless the family member or friend registered is acting in the capacity of a personal care attendant.
- 2) Additional individuals accompanying the ADA paratransit eligible individual will be provided service, provided that space is available for them and that transportation of the additional individuals will not result in a denial of service to other ADA paratransit eligible individuals
- 3) In order to be considered as “accompanying” the eligible individual for purposes of this Policy, the other individuals will have the same origin and destination as the eligible individual.

ARTICLE V: ADA PARATRANSIT ELIGIBILITY PROCESS

Section 1 – Process

The following elements may be used in the process for determining paratransit eligibility in addition to completed application:

- In-person interview
- Physical Evaluation
- Cognitive Evaluation

Section 2 – Accessible Formats

All information about the eligibility process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility will be made available in accessible formats. If a request for a format not currently offered by GVT is made, GVT staff will work with local accessibility groups to produce the requested media.

Section 3 – Presumptive Eligibility

GVT will provide presumptive eligibility to all paratransit applicants beginning 21 calendar days after the date a complete application is received, if a determination of eligibility has

not yet been made. If, following the evaluation of a paratransit application, an applicant that has been granted presumptive eligibility is determined to not be eligible for paratransit service, the paratransit service will no longer be available to that person. Five calendar days following the postage date of the paratransit denial letter sent by GVT, paratransit service will no longer be available to an ineligible applicant.

Section 4 – Determination in Writing

GVT’s determination concerning eligibility will be in writing. If the determination is that the individual is ineligible, the determination will state the reason(s) for the finding. Notification of denial will be in writing by the operations contractor General Manager or their designee, and will be sent within 21 calendar days of receiving a complete application by Certified Mail via the U.S. Postal Service.

Section 5 – Documentation of Eligibility

GVT will provide documentation to each eligible individual stating that he or she is “ADA Paratransit Eligible.

Section 6 – Re-certification Process

GVT may require re-certification of the eligibility of ADA paratransit eligible individuals after 3 years, or as needed.

ARTICLE VI: ADMINISTRATIVE APPEAL PROCESS

GVT requires that a written appeal within 60 calendar days of receipt of paratransit eligibility denial or suspension of service (see ARTICLE VII, Section 8) letter.

GVT will provide an opportunity to be heard and to present information and arguments to an Appeals Committee within 21 calendar days of receipt of the appeal. If the applicant is unable to meet with the Appeals Committee and complete the evaluation (if needed) within this time, they may request a continuation of the 21 days. This must be done in writing and approval is at the discretion of the Appeals Committee.

The Appeals Committee is comprised of:

- 1) An individual appointed from Grand Valley Transit;
- 2) An individual appointed from the Regional Transportation Planning Office; and
- 3) An individual appointed from Center for Independence.

The Appeals Committee may require the applicant to undergo a physical and/or cognitive evaluation, if one has not already been conducted. GVT will provide transportation to the applicant to and from the site of the evaluation.

Written notification of the decision and reasons for the decision will be forwarded to the

paratransit applicant or rider by the Appeals Committee Chairperson via Certified Mail.

GVT will not provide paratransit service to the individual pending the determination of an appeal. However, if GVT has not made a decision within 21 calendar days of the completion of the appeal process, GVT will provide paratransit service from that time until and unless a decision to deny the appeal is issued.

ARTICLE VII: SUSPENSION OF SERVICE/NO-SHOW AND LATE CANCELLATION POLICY

GVT understands that because complementary paratransit service requires trips to be scheduled in advance, riders may sometimes miss scheduled rides or forget to cancel rides they no longer need. GVT also understands that riders may sometimes miss scheduled trips or be unable to cancel trips in a timely way for reasons that are beyond their control. However, repeatedly missing scheduled trips, as well as failing to cancel trips in a timely way, can lead to suspension of service. The following information explains GVT's suspension of service policy.

Section 1 - No-Shows

Definitions:

- The **pickup window** is a total of 30 minutes, beginning 15 minutes before the scheduled pickup time and ending 15 minutes after the scheduled pickup time. Riders must be ready to board a vehicle that arrives within the pickup window. The driver will arrive within the pickup window, and wait for a maximum of 5 minutes after arriving for the rider to appear.
- A **no-show** occurs when a rider fails to appear to board the vehicle for a scheduled trip. This presumes the vehicle arrives at the scheduled pickup location within the pickup window and the driver waits at least 5 minutes.
- GVT does not count as no-shows **situations beyond a rider's control** that prevent the rider from notifying us that the trip cannot be taken, such as:
 - Medical emergency
 - Sudden illness or change in condition
 - Appointment that runs unexpectedly late without sufficient notice
 - Other emergency

GVT requires the paratransit passenger or her/his representative to provide a statement of why the no-show was due to circumstances beyond the rider's control; see ARTICLE VII, Section 5 - Policy for Disputing Specific No-Shows or Late Cancellations.

- A **pattern or practice** of late cancelations and/ or no-shows is both a substantial number and above-average percentage. Guidance on ADA transportation advises analyzing the number of late cancelations and/ or no-shows relative to the total frequency of trips to fully understand if a rider demonstrates a pattern or practice and therefore merits suspension.
- **Missed trips** are caused by GVT and not by riders and do not count as no-shows. Missed trips result from trips that are requested, confirmed, and scheduled, but do not take place because:
 - The vehicle arrives and leaves before the beginning of the pickup window without picking up the rider and without any indication from the rider that he or she no longer wants to make the trip. Note that a rider is not obligated to board until the beginning of the pickup window or from the start of the pickup window until 5 minutes have elapsed.
 - The vehicle does not wait the required time within the pickup window, there is no contact with the rider, and the vehicle departs without the rider.
 - The vehicle arrives after the end of the pickup window and departs without picking up the rider (either because the rider is not there or declines to take the trip because it is now late).
 - The vehicle does not arrive at the pickup location.
 - Trips placed on the schedule in error.
 - Pickups scheduled at the wrong pickup location

Section 2 - Procedures for No Shows

When a no-show occurs, the vehicle operator will notify the GVT dispatcher. Mesa County requires GVT staff to verify that no-shows were recorded correctly. This means the dispatcher is responsible for verifying and documenting that drivers did not:

- Arrive before the 30-minute window and depart before waiting at least 5 minutes within the 30-minute pickup window without picking up the rider (a missed trip)
- Arrive within the 30-minute window and depart before waiting at least 5 minutes without making contact with the rider (a missed trip)
- Arrive after the 30-minute window without picking up the rider (a missed trip)
- This also means verifying trip addresses to ensure that trip-booking errors did not occur and that vehicles were at the correct location.

If GVT staff verifies that a no-show was not due to GVT error, the dispatcher will

attempt to contact the individual by telephone to confirm with the rider the reason for the no-show, and a notation will be made on the individual's database file.

When a rider is a no-show for one trip, all subsequent trips on that day remain on the schedule unless the rider specifically cancels the trips. This will also be communicated to the rider when telephone contact is made. To avoid multiple no-shows on the same day, riders are strongly encouraged to cancel any subsequent trips they no longer need that day.

Section 3 - Late Cancellations

Definition:

- A **late cancellation** is defined as:
 - a cancellation made less than 2 hours before the scheduled pickup time, or
 - a cancellation made at the door, or
 - a refusal to board a vehicle that has arrived within the pickup window.

Section 4 - Procedures for Late Cancellations

When a cancellation is made by a rider or a representative of a rider less than 2 hours before the scheduled pickup time occurs, GVT will attempt to contact the individual by telephone to confirm with the rider the reason for the late cancellation. If the late cancellation was not due to circumstances beyond a rider's control, late cancellation notation will be made on the individual's database file in the paratransit scheduling software. If the late cancellation was due to circumstances beyond a rider's control, notation will not be made on the individual's database file.

When a late cancellation made at the door or refusal to board a vehicle that has arrived within the pickup window occurs, the vehicle operator will notify the GVT dispatcher. Mesa County requires GVT staff to verify that late cancellations were recorded correctly. This means the dispatcher is responsible for verifying that drivers did not:

- Arrive before the 30-minute window and depart before waiting at least 5 minutes within the 30-minute pickup window without picking up the rider (a missed trip).
- Arrive within the 30-minute window and depart before waiting at least 5 minutes without making contact with the rider (a missed trip).
- Arrive after the 30-minute window without picking up the rider (a missed trip).
- This also means verifying trip addresses to ensure that trip-booking errors did not occur and that vehicles were at the correct location.

GVT will combine late cancellations with no-shows and both will contribute to a rider's

suspension of paratransit service.

Section 5 - Policy for Disputing Specific No-Shows or Late Cancellations

Riders who experience no-shows due to circumstances beyond their control, or passengers wishing to dispute specific no-shows or late cancellations, must do so within 5 business days of receiving the telephone call from GVT dispatch. Riders should contact the GVT operations center to explain the circumstance and request the removal of the no-show or late cancellation. The GVT paratransit service center is staffed Monday through Saturday from 7:00 a.m. to 6:00 p.m. and can be reached by:

- telephone at 970-256-7433, extension 2
- email to paratransit@mesacounty.us
- typed or hand-written note mailed to GVT, ATTN: Paratransit, 525 S. 6th St., Grand Junction, CO, 81501, or
- typed or hand-written note personally delivered to the Downtown Transfer

Facility located at 525 S. 6th Street in Grand Junction or the West Transfer Facility located at 612 24 ½ Road in Grand Junction

Section 6 - Warning

For riders who have accumulated a combination of no-shows and late cancellations equivalent to three trips, incurred during a 30-calendar-day period, GVT will send a warning letter within 5 business days. The suspension warning letter will list the no-shows and late cancellations recorded, describe actions that will result in a suspension (see Section 7 - Probation and Suspension of Service), and encourage riders to call if they feel any of the no-shows or late cancellations were recorded in error or were outside the rider's control.

Section 7 – Probation and Suspension of Service

Upon receiving a written warning, the warned passenger will be placed on a 90-day probationary period. During this period the passenger will have full and normal use of the GVT paratransit service. However, if during the 90-day probationary period a passenger accumulates an additional five (5) late-cancellations and/or no-shows (not to include those that generated a warning) and if they have shown a pattern or practice of late-cancellations and/or no shows, they will be suspended from using GVT paratransit for 14 days, and 30 days for any subsequent suspensions. After 90 days, or the completion of a suspension period, the warning and probation process will restart from the beginning, as described in Section 6

Section 8 – Reinstatement of Service

After a 14-day or 30-day suspension, the passenger will be allowed to resume using the GVT paratransit service as normal. The warning, probation, and suspension process

will restart from the beginning, as described in Sections 6 and 7.

Section 9 – Appeal a Suspension of Service

Riders wishing to appeal suspensions under this policy have the right to file an appeal request, which must be in writing by letter. Riders must submit written appeal requests within 60 business days of receiving suspension letters. Riders who miss the appeal request deadline will be suspended from GVT on the date listed on the suspension notice.

All suspension appeals follow GVT’s Administrative Appeal Process (see ARTICLE VI).

Section 10 – Caretaker Not Present to Receive Passenger

Some paratransit passengers require a caretaker to receive them upon drop off, it is critical that all passengers and caretakers understand complementary paratransit procedures. Please be aware that at the end of a trip a passenger will be assisted off of the bus, and the bus will leave. Independent travel is expected. Passengers incapable of independent travel may be accompanied by a personal care attendant (PCA) or be met by a PCA (or other responsible party) at the end of a trip.

ARTICLE VIII: COMPLEMENTARY PARATRANSIT SERVICE FOR VISITORS

GVT will make its ADA paratransit service available to visitors. A “visitor” is defined as an individual with disabilities who does not reside in the GVT service area and is in the area temporarily. GVT will treat as eligible for its complementary paratransit service all visitors who present documentation that they are ADA paratransit eligible in the jurisdiction in which they reside. Visitors who do not have documentation from another jurisdiction must show proof of residency and disability. GVT will accept a self- certification as proof of disability. GVT will provide ADA paratransit service to a visitor for a period of up to 21 calendar days over a year’s period. For service beyond this period, a visitor must apply for eligibility from GVT as defined in ARTICLE IV of this Policy.

ARTICLE IX: TYPE OF ADA PARATRANSIT SERVICE

GVT will provide origin to destination service. No GVT vehicle operator will enter a private residence or a public facility in order to provide this service. GVT vehicle operators will assist ADA paratransit eligible individuals in boarding and disembarking GVT vehicles, and will assist with their cargo (baggage, bags of groceries, etc.) that may be reasonably carried aboard by one person. It is not appropriate for GVT to establish an inflexible policy that refuses to provide service to eligible passengers beyond the curb in all circumstances. On an individual, case by case basis, GVT staff is obligated to provide an enhancement to services when it is needed and appropriate to meet the curb to destination service requirement.

ARTICLE X: SERVICE CRITERIA FOR COMPLEMENTARY PARATRANSIT

Section 1 – Service Area

GVT will provide ADA paratransit service to and from any point within a 3/4 mile boundary from the fixed route system. If a person is eligible for paratransit service but lives outside of the service area, they have the option to meet GVT within the service area and utilize paratransit service.

Section 2 – Response Time

GVT will schedule and provide paratransit service to any ADA paratransit eligible person at any requested time (while the fixed route system is in service) on a particular day in response to a request for service made the previous service day. Reservations will be taken by reservation agents from 7:00 a.m. to 6:00 p.m. on Monday through Saturday, and by mechanical means on Sunday and holidays.

Trip requests made by mechanical means on Sunday for Monday service and on holidays for next day service will result in a call-back from a reservation agent on Monday morning or the day after the holiday between 7:00am and 9:00am. If the reservation agent is unable to contact the individual(s) on Monday or the day after the holiday between the prescribed hours, no further attempts will be made on Monday or the day after the holiday to schedule the requested trip.

Section 3 – Subscription Service

Subscription service is the provision of repetitive trips over an extended period of time. GVT will allow ADA paratransit customers to schedule rides for up to a 12 month period. 49 CFR Section 37.133(b) allows a transit agency to provide subscription service as any proportion of its total complementary paratransit service as long as it has capacity for demand trips (i.e., non-subscription trips) and no trips are denied.

Section 4 – Fares

The fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on GVT's fixed route system.

- 1) In calculating the full fare that would be paid by an individual using the fixed route system, GVT may include transfer and premium charges applicable to a trip of similar length, at a similar time of day, on the fixed route system.
- 2) The fares for individuals accompanying ADA paratransit eligible individuals, who are provided service under Sec. 37.123 (f) of this part, shall be the same as for the ADA paratransit eligible individuals they are accompanying.
- 3) A personal care attendant shall not be charged for complementary paratransit service.

- 4) GVT may charge a fare higher than otherwise permitted by this paragraph to a social service agency or other organization for agency trips (i.e., trips guaranteed to the organization).

ARTICLE XI: PROVISION OF SERVICE

Section 1 – Maintenance of Facilities

GVT will maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signs and systems to facilitate communications with persons with impaired vision or hearing.

Accessibility features will be repaired promptly if they become damaged or inoperable. When an accessibility feature is out of order, GVT will take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature.

This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

Section 2 – Procedures to Ensure Lift Availability

GVT will ensure, through its adopted vehicle maintenance inspection program, that a system of regular and frequent maintenance checks of lifts be sufficient to determine if they are operable. GVT vehicle operators are required to contact dispatch immediately any failure of a lift to operate in service. Dispatch will then immediately contact the appropriate maintenance personnel.

When a lift is discovered to be inoperative, except as noted below; GVT will take that vehicle out of service immediately, and will replace it with a vehicle that has an operative lift. If no vehicle with an operative lift is available (and removing the vehicle with the inoperative lift would result in a reduction of transportation service), the vehicle with the inoperative lift may remain in service for a period not to exceed three service days.

In any case in which a vehicle is operating on a fixed-route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, GVT will provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work.

Section 3 – Lift and Securement Use

All wheelchairs and their users will be transported in GVT's vehicles if the lift and vehicle can physically and safely accommodate the wheelchair and occupant. GVT will not permit wheelchairs to be secured in places other than designated securement locations in the vehicle. As defined by the ADA, wheelchair means a

mobility aid belonging to any class of three or more-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. All GVT vehicles, at a minimum, will be able to accommodate a wheelchair 30 inches in width by 48 inches in length and when occupied 600 pounds in weight.

GVT will require that all wheelchairs be secured in the vehicle by a GVT-provided secured system. If the wheelchair is not able to be secured, GVT will continue to transport the wheelchair and occupant. Lap belts are not required for wheelchair users on fixed-route buses.

Individuals with disabilities who do not use wheelchairs (including standees who use walkers, canes or braces or who otherwise have difficulty using steps) will be permitted to use the vehicle lift. GVT personnel will assist these standees in the safe use of the lift to enter the vehicle. GVT will permit both inboard and outboard facing of wheelchair and mobility aid users; however, GVT prefers that the user board the vehicle facing outward and will advise users of this preference.

Section 4 – Announcements on GVT Fixed-Route Vehicles

On its fixed-route service, GVT vehicle operators will announce on the vehicle's public announcement system the following:

- 1) Transfer points common to two or more buses or other conveyances;
- 2) Major intersections;
- 3) Major destination points; and
- 4) Intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.
- 5) In addition, vehicle operators will announce specific points upon request.

Section 5 – Fixed-Route Vehicle Identification Mechanisms

GVT will procure or lease fixed-route vehicles that feature destination signs that meet the requirements of the ADA. Despite these signs, persons with visual impairments or other disabilities may have difficulty identifying the proper vehicle to enter. Where vehicles or other conveyances for more than one route serve the same stop, a GVT vehicle operator will attempt to make visual contact with prospective riders to determine if service is desired. If visual contact cannot be made, the vehicle operator will stop the bus and make verbal contact to inform the person(s) of route information (that route's destination, other destinations served by that bus stop, etc.).

Section 6 – Service Animals

GVT will permit service animals to accompany individuals with disabilities in vehicles

and facilities. In addition, animals that are being professionally trained as service animals are permitted in GVT vehicles and facilities. As defined by 49 CFR Part 37.3, 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, 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.”

Section 7 – Use of Accessibility Features

GVT will ensure that vehicle operators and other personnel make use of accessibility-related equipment as required by the ADA. Willful failure to use these features, as needed, will result in disciplinary action up to and including termination.

Section 8 – Public Information/Communications

GVT will make available to individuals with disabilities adequate information concerning its transit services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

Section 9 – Lift Deployment at Any Designated Fixed-Route Bus Stop

GVT will not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated bus stop, unless:

- 1) The lift cannot be deployed;
- 2) The lift will be damaged if it is deployed; or
- 3) Temporary conditions at the bus stop, not under control of GVT, preclude the safe use of the bus stop by all passengers.

It will be the responsibility of operations personnel to inform GVT staff (dispatchers, supervisory staff and/or maintenance staff) of problems at bus stops so that appropriate remedies may be undertaken.

Section 10 – Service to Persons Using Respirators or Portable Oxygen

GVT will not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply, consistent with applicable Department of Transportation rules on the transportation of hazardous materials (49 CFR subtitle B, chapter 1, subchapter C).

Section 11 – Adequate Scheduled Time for Fixed-Route Vehicle Boarding and Disembarking

GVT will ensure that adequate time is provided in its fixed-route schedule to allow

individuals with disabilities to safely complete boarding or disembarking from the vehicle. GVT Service Committee will periodically review on-time performance data and/or passenger complaints to determine if schedule adjustments are warranted.

Section 12 – Training Requirements

GVT will ensure that its personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely. Personnel will be trained to properly assist and treat passengers with disabilities in a respectful and courteous manner, with appropriate attention to the difference among individuals with disabilities.

ARTICLE XII: ADA COMPLAINT PROCEDURES

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by GVT.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and GVT may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under ADA and related statutes may file a complaint.

The following measures will be taken to resolve ADA complaints:

- 1) A formal complaint must be filed within 180 calendar days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of disability complaint and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.

Grand Valley Transit strongly encourages the use of the **Grand Valley Transit's Discrimination Complaint Form** (Attachment C) when filing official complaints.

The preferred method is to file your complaint in writing using **Grand Valley Transit's Discrimination Complaint Form**, and sending it to:

Grand Valley Transit
Attn: ADA Coordinator
525 S. 6th Street
Dept. 5093, PO Box 20,000
Grand Junction, CO 81502-5001

- 2) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to Grand Valley Transit's ADA Coordinator. Under these circumstances, the complainant will be interviewed, and Grand Valley Transit's ADA Coordinator will assist the Complainant in converting the verbal allegations to writing.
- 3) When a complaint is received, the ADA Coordinator will provide written acknowledgment to the Complainant, within ten (10) calendar days by registered mail.
- 4) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 calendar days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- 5) Within 15 calendar days from receipt of a complete complaint, Grand Valley Transit will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) calendar days of this decision, the Regional Transportation Planning Director or his/her authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification shall state the grounds of Grand Valley Transit's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 6) When Grand Valley Transit does not have sufficient jurisdiction, the Regional Transportation Planning Director or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
- 7) If the complaint has investigative merit, the Regional Transportation Planning Director or his/her authorized designee will instruct the ADA Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Transportation Director within 60 calendar days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the ADA Coordinator will notify the appropriate authorities, and an extension will be requested.
- 8) The Regional Transportation Planning Director or his/her authorized designee will issue letters of finding to the Complainant and Respondent within 90 calendar days from receipt of the complaint.

- 9) If the Complainant is dissatisfied with Grand Valley Transit's resolution of the complaint, he/she has the right to file a complaint with the:

Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

FTA Complaint procedures can also be found on the FTA web site at: www.fta.dot.gov. These procedures are also outlined in FTA Circular 4710.1, Chapter 12.

The ADA Coordinator shall maintain all records relating to ADA complaints received for one year. In addition, the ADA Coordinator shall maintain a log of all ADA complaints received, including the date the complaint was filed, a summary of the allegations, the result of the investigation and that date that the resolution was communicated to the complainant. This log shall be maintained for a minimum of five years.