

Scotland County Area Transit System (SCATS) Americans with Disabilities Act Policy

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity and access for persons with disabilities.

The Americans with Disabilities Act of 1990 (ADA) is a comprehensive civil rights law that provides individuals with broad rights to equal opportunity and nondiscrimination in employment, public services, public services provided by private businesses, and communications. The ADA's goals are to ensure that persons with disabilities have a chance to participate fully in society, live independently, and be economically self-sufficient.

The U.S. Department of Transportation (USDOT) issued regulations implementing the transportation provisions of the ADA (CFR Parts 27, 37, and 38) on September 6, 1991. Some of the requirements address areas such as non-discrimination against persons with disabilities and the provision of services to such individuals, as well as those applicable to operators of both fixed-route and paratransit services. Other requirements focus on providing public paratransit service for individuals who cannot use accessible fixed-route service independently because of a disability.

ADA Regulations – Part IV Department of Transportation 49 CFR Parts 27, 37, and 38
Transportation for Individuals with Disabilities, Final Rule defines disability as follows found in 49 CFR Part 37.3:

Disability means, concerning an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment.

1. The phrase *physical or mental impairment* means –
 - (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemi and lymphatic skin, and endocrine;
 - (ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;
 - (iii) the term *physical or mental* impairment includes, but is not limited to, such contagious and non-contagious diseases and conditions as

orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease, tuberculosis, drug addiction, and alcoholism;

- (iv) The phrase physical or mental impairment does not include homosexuality or bisexuality.
- (2) The phrase "**major life activities**" refers to functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- (3) The phrase **has a record of such an impairment** means it has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- (4) The phrase is **regarded as having such an impairment** means –
- (i) Has a physical or mental impairment that does not substantially limit major life activities but which is treated by a public or private entity as constituting such a limitation;
 - (ii) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment or
 - (iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public or private entity as having such an impairment
5. The term **disability** does not include –
- (i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
 - (ii) Compulsive gambling, kleptomania, or pyromania;
 - (iii) Psychoactive substance abuse disorders resulting from the current illegal use of drugs.

Definition of a Wheelchair.

Section 37.3 of the DOT/s regulations implementing the Americans with Disabilities Act of 1990 (ADA) (49 CFR Parts 27, 37, and 38) defines a Wheelchair as a mobility aid belonging to any class of three or four-wheeled devices usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A wheelchair's dimensions do not exceed 30 inches in width and 48 inches in length, measured two inches above the ground, and do not weigh more than 600 pounds when occupied.

Non-Discrimination Statement

It is the policy of SCATS to ensure compliance with Title VI of the Civil Rights Act of 1964; 49 CFR, Part 21 ; related statutes and regulations that ensure no person in the United States shall, on the grounds of race, color, sex, age, national origin, or disability, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the United States Department of Transportation.

Reasonable Modification of Policy

Requests for reasonable modification may be addressed by calling the SCATS office at (910) 277-2416, or submitting in writing to the following address:

Scotland County Area Transit System
PO Box 1647
Laurinburg, NC 28352

Requests must include the following elements:

- Description of what the individual needs in order to use the service
- Individual's contact information

Request Procedures are the same as the comment and complaint procedures. During the initial passenger eligibility determination, individuals are encouraged to inform SCATS staff of any other concerns or issues not discussed. If information is not provided in advance, the Director/ Transit Supervisor and/or Designee will make a determination.

Requests for modification may be denied on one or more of the following grounds:

1. Granting the request would fundamentally alter the nature of the entity's services, programs, or activities.
2. Granting the request would create a direct threat to the health or safety of others;
3. Without the requested modification, the individual with a disability is able to fully use the entity's services, programs, or activities for their intended purpose.

If the requested modification is denied, other actions will be taken to the "maximum extent possible" without violating rules 1-3 above to allow individuals to use the service. The provisions of Appendix E will guide decisions to part § 37.169(d)

Recruitment and Employment

SCATS recruitment and employment is in Neo Gov. A statement prohibiting discrimination is found on the application.

Staff training to Proficiency

SCATS employees are trained through the PASS program (Passenger Service and Safety Certification) through the Community Transportation Association of America (CTAA). The program was developed for the North Carolina Department of Transportation/Public

Transportation Division in August 1995. Refresher training is held annually. Documentation of all training is found in the driver's training record.

SCATS Driver Handbook and SCATS Rider Van Rules reference ADA regulations.

SCATS vehicles are purchased through NCDOT/PTD State contracts, which meet ADA standards.

SCATS employees are trained to proficiency in accordance with ADA.

Rider Information and Outreach

SCATS will coordinate with individuals, institutions, and/or organizations to reach out to members in the affected minority/low-income communities. We will provide opportunities for public participation through means other than written communication.

1. Public Meetings:

- All Public meetings will be held in convenient and accessible locations and facilities
- Meeting material will be available in a variety of formats upon previous request.
- Various means of advertising will be used to inform the media of public meetings.
- Assistance to persons with disabilities will be available upon previous request.

2. Notice to the Public

SCATS provides notice to the public of our Title VI obligations on brochures, which are disseminated to the public throughout our service area and on the SCATS website.

3. Public Involvement Process

The main objectives are to:

- Comply with the public involvement and environmental justice requirements of the Federal and State regulations, and provide specific opportunities for local citizens and citizen-based organizations to discuss their views and provide input on the subject areas addressed in plans, projects, or policies of SCATS
- Inform and educate citizens and other interested parties about ongoing SCATS planning activities and their potential role in those activities.
- Work with other local and state organizations that have similar goals and requirements.
- Study other transit organizations that have been successful in Public Participation Efforts.

Experience has shown difficulty in reaching a large span of the population and keeping them involved. Federal and State regulations require us to provide the public with information and to

reach out and include traditionally under-served populations. This document has been prepared to serve that purpose.

4. Outreach Tools

General Public Relations

General public relations may be defined as any action that might reach any citizen, whether that citizen has a specific interest or knowledge regarding transportation planning. This group of techniques includes the following: announcements targeted at newspapers and radio; posters or pamphlets displayed in public places; and signs posted near future or current transportation project sites. Meetings or hearings held publicly and covered by the media can act as general public relations.

These techniques are ways to keep the general public aware of the presence of the planning organization and the status of specific projects so that they may develop an interest and choose to become better informed or actively involved.

Events

There are a broad variety of ways to educate and engage the public. In general, the earlier public involvement is sought, the better. It is also a better use of citizens' free time to participate in a process that will determine the direction of a project that may take years to complete. Citizens may get frustrated when they are invited to join late in the process - when the values and goals have already been decided and the details have been hammered out. The following tools are arranged from most participatory to least.

- **Special Events** are held to bring attention to a specific activity or issue. Special events may take the form of a fair or special educational lecture with civic groups or other public entities. Special events are a way to expose many people to a project or program.
- **Surveys** are an efficient method of gathering input from many people early in the planning process. This is particularly useful when trying to understand the goals and aspirations of a community before attempting to address any specific problems. As an outreach tool, surveys are a good way to identify citizens who may want to become further involved. Surveys may be administered in person or on the phone, or distributed via mail, on the Internet, or at public places. As it is a labor-intensive activity, the implementation of the survey might be aided by volunteers and student interns.
- **Public Hearings** are usually held when an agency has completed a plan and needs to present it for public review before moving forward with the plan. As with all these tools, care must be taken to ensure that the public is fully aware of the event well in advance and that the goals and values of the plan are clearly stated.

- **Community Forum Meetings** are held to discuss community programs and activities, and the public is engaged to discuss their needs in general.

Direct Marketing and Education

Direct marketing and education is meant to reach out and provide specific information to specific parties. For example, landowners or leaders of an ethnic community may be sought out and personally invited to come to a meeting. Similarly, lower-income groups may be specifically targeted to be educated about their rights, or children or families may be targeted to begin a discussion on a specific program. Direct marketing and education can take place through direct mass mailings, radio, press advertising, or through meetings with specific groups of people, such as local clubs, homeless people, property owners, or housing authorities. It can also be through making direct phone calls or meeting with key people who desire to participate in each process. This is the most labor-intensive and potentially most fruitful way to create a diverse and active public participation process.

Plan Monitoring and Evaluation

Evaluation of the success of any public involvement efforts must be result-oriented. It is never safe to assume that people are uninterested in the project because they don't come to an event. The goal is to educate and include the public at all levels of planning, not just to invite them. Evaluation, then, must be two-fold. The first part is to track what efforts are being made and the results of those efforts, and the second part is to make regular assessments of the success of a technique within a given program and to strategize for future successes.

Tracking Efforts and Success

To track our public participation efforts, the individuals involved must record their efforts.

- SCATS will keep a log of their outreach activities.
- Copies should be kept of any print ads and transcripts of any public service announcements.
- Notes should be made after the meeting regarding the overall tone of the meeting and any ideas or observations made regarding the process.

AMERICANS WITH DISABILITIES ACT OF 1990

Driver Responsibilities and Best Practices

The requirements of the Americans with Disabilities Act (ADA) affect all parts of a transit operation. Arguably, the most visible of these are the responsibilities of the individual vehicle operator. While the requirements of the ADA address vehicle operators' activities, they do not always provide procedural guidance. This plan is written to help illuminate the requirements and

to help SCATS' service comply with the rules and regulations of the Code of Federal Regulations (49 CFR), which is the ADA.

Each requirement is followed by a “Best Practice” to help SCATS comply. *The most important action you can take is to implement board-certified policies and procedures that ensure that SCATS' daily operations are correct and clearly follow the requirements of the ADA.*

These are the requirements under 49 CFR:

1. Perform lift maintenance (according to SCATS policy and procedures) regularly and conscientiously. (49 CFR 37.163)

Best Practice: Check lift by running through one cycle as when doing the pre-trip inspection every morning before leaving on a route.

2. Immediately report an inoperative lift to the appropriate staff. SCATS is required to maintain in operative condition “features” (lifts, securement devices, etc.) necessary to make vehicles accessible to individuals with disabilities and promptly repair the inoperable features. (49 CFR 37.161 and 37.163)

Best Practice: Inform the transit system's supervisor of the lift condition or the tie-downs being in bad shape or note the conditions' pre-inspection form and give it to the appropriate personnel.

3. Take reasonable steps to accommodate a passenger using an inoperable feature. (49 CFR 37.161)

Best Practice: Inform the dispatcher of the problem and ask for another properly equipped vehicle to be sent out to transport the passenger. Find out the approximate arrival time of the vehicle and inform the passenger.

4. Immediately inform dispatch that an individual who needs transportation cannot board a vehicle because of a broken lift. (49 CFR 37.163)

Best Practice: Inform the dispatcher of the damage or inability of the lift to operate properly and seek their advice on continuing the route. Lifts are supposed to be repaired within five days of breakdown. If the supervisor knows about the lift right away, arrangements can be made to have the lift repaired quickly.

5. Provide adequate time for a passenger with a disability to board and/or disembark the vehicle. This includes adjusting the schedule, if necessary, to accommodate slower passengers and waiting for passengers to be seated before moving the vehicle. 49 C FR 37.167)

Best Practice: If a passenger is transported regularly, i.e., every day, and is slow to board the vehicle, then the time for the slower passenger to get to and enter your vehicle should be in the schedule. Some passengers are very slow in getting from the porch to the vehicle or taking a seat

there; this can slow the schedule down considerably. Talk to the scheduler/dispatcher, explaining when it takes this passenger to get on the vehicle and sit down, then work on a time schedule that will accommodate the passenger. It will help SCATS to stay on time for other passengers.

6. If necessary, Leave the driver's seat to assist a passenger with using the vehicle ramp, lift, and/or securement systems. (49 CFR 37.165)

Best Practice: The driver should leave their seat to help a passenger. This is for safety reasons and will dispel any attempt of a passenger to say that the driver would not assist them when they needed help. **Always ask the passenger** if they need help before attempting to give help.

7. Use the vehicle securement systems to secure wheelchairs and other mobility devices. (49 CFR 37.165)

Best Practice: If the driver secures the passenger in the wheelchair using the tie-down straps, the driver will be assured that the passenger will have a safe ride. Never allow a passenger to ride if they are not appropriately secured (this rule should be in the board-certified policies and procedures of the transit system) unless the securement system will not accommodate the wheelchair. If the tie-down system is not compatible with the wheelchair the passenger is using; the driver still must try to secure the wheelchair safely. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride the vehicle. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. Drivers must warn the passengers of the danger of riding in a non-secured wheelchair.

8. Allow a passenger who uses the lift to disembark at any stop, **UNLESS:**

- a.** The lift cannot be deployed;
- b.** The lift will be damaged if deployed;
- c.** Conditions at the stop would present unsafe conditions for **ALL** passengers (49 CFR 37.167). *In other words, drivers may not judge that a designated stop is unsafe solely due to a passenger's disability. (ADA Section 223)*

Best Practices: The driver must make sure before pulling into a stop or up to a location or destination that the area where the passengers would disembark is safe for all passengers, those who are ambulatory, and those who use mobility devices to navigate the area safely.

9. Identify the vehicle to a passenger who has a visual impairment. (49 CFR 37.167)

Best Practice: For paratransit drivers, it is best to go to the person and let them know that the transit vehicle is there to pick them up. (Do the same thing for a person with a cognitive disability). This is a good service practice and gives the passenger confidence in the driver and SCATS. When driving a fixed-route bus, the driver must call out the route's name when pulling into the bus stop and ask the person at the stop if this is the bus they want to board.

10. Announce transfer points, major intersection points, and destination points on fixed routes. Announcements should often be made to orient passengers with visual impairments to their location. (49 CFR 37.167)

Best Practice: The driver must make the announcements loud enough for all passengers to be aware of the area they are traveling in or may want to disembark in. People who have visual disabilities or cognitive problems will need these announcements so they can stay oriented to the areas of travel. Other passengers may be hearing impaired and must be told where to get off the bus. The driver may have to stop the vehicle, go to the hearing-impaired passenger, and let them know they are at their bus stop. Drivers must remember to inform specific passengers when to disembark the vehicle at places the passenger requests. Paratransit drivers should give the same courtesy to all the passengers by announcing their arrival at the destination point just before stopping the vehicle. This courtesy will allow passengers to get ready to disembark from the vehicle in a timely manner.

11. Allow other individuals (family or friends), in addition to a personal care attendant, to accompany the passenger as an ADA-eligible passenger (a fare will be charged) only if space is available and it does not cause an ADA-paratransit-eligible individual to be denied service. (49 CFR 37.123)

NOTE: “Accompanying individuals” must have the same origin and destination as the eligible individual.

Best Practice: Drivers should notify the office of an additional passenger. The dispatcher will find out from the driver if there is available seating. Have the dispatcher check the return trip to ensure available seating if not, then the extra passenger will not be able to ride. This will keep confusion down and allow for good public relations for the agency. This is unnecessary on a city bus because anyone can board a city bus with all their friends if they desire; space is not so limited. In the paratransit, regular passengers usually take up vehicle seats and are limited. Notification of a guest should be advised at the time the trip is scheduled.

12. Allow any service animal (not only dogs) accompanying a passenger with a disability to ride the vehicle. (49 CFR 37.167)

Best Practice: If the driver doubts an animal, they can question the passenger about its authenticity as a service animal. If the passenger refuses to answer, they can still ride with the animal. Various animals are used to assist passengers in traveling and other life necessities. Most passengers will tell the driver they have a service animal and will ride with it. Remember, the person with the service animal must control the animal.

Animals excluded are “wild animals (including non-human primates born in captivity), reptiles, rabbits, farm animals (including miniature horses and pigs), ferrets, amphibians, and rodents.

SCATS's policy is that when the passenger is making reservations, they advise if they have a service animal. See Service Animal Policy.

13. Allow a passenger with a disability to carry a respirator or a portable oxygen supply that complies with the USDOT’s regulations regarding the transportation of hazardous materials. (49 CFR 37.167)

Best Practice: Do not handle the respirator or oxygen tanks unless it is necessary to secure them in the vehicle. If a driver must secure them, ensure the tanks are out of the way of other passengers. Put it up in the seat and wrap a seat belt around it to keep it from falling or being damaged, etc. Be aware of the location of oxygen lines if the tanks are hooked up to a wheelchair; do not crimp the lines with the tie-down straps.

UNDER 49 CFR

A. DRIVERS ARE NOT ALLOWED TO:

14. Deny an individual with a disability the opportunity to ride a public transportation vehicle if the individual can use the transportation service. (49 CFR 37.5)

Best Practice: Allow everyone the opportunity to ride that can use the service with minimum assistance. Assist the passenger within limits dictated by the transit system's board-certified policies and procedures. If the driver goes to pick up a passenger at a nursing home and that passenger cannot communicate or move their own wheelchair by themselves, that person needs an assistant/attendant. The driver should report this situation to the dispatcher, get advice or have someone (supervisor or manager) call the nursing home requesting an assistant/attendant to accompany the passenger on the trip for safety reasons and to keep the driver from having to perform attendant services.

15. It requires that an individual with a disability use the designated priority seating. (49 CFR 37.5)

Best Practice: Drivers can request that a passenger with a disability sit in a designated area but cannot make them sit there. Drivers are advised to warn the passengers of the dangers of going to the rear of the vehicle in a way that does not offend the passengers. For example, "It would be safer for "ANYONE" to sit up here in these seats; "ANYONE" could be injured going to the back of the vehicle. The suggestion is okay, but the driver cannot force the issue.

16. Impose special financial charges on an individual with a disability for special accommodations needed to transport them, such as for storing a wheelchair
(49 CFR 37.5)

Best Practice: Ensure all drivers, dispatchers, and office workers understand this rule. A passenger with a disability will pay the same fare as the general public on a fixed route, regardless of the amount of assistance involved in transporting the passenger. On community transportation or paratransit, the passenger pays by mileage, set fare, human services, or no more than double the fixed route fare (in urban areas) but cannot pay extra for special accommodations.

17. Require an attendant to accompany an individual with a disability unless the agency has required an attendant as a condition of providing service to mitigate a previously defined

problem. However, drivers are not required to provide attendant services, such as assistance in toileting, feeding, dressing, etc. (49 CFR 37.5)

Best Practice: Refer to number 14 above. Drivers should be told the limit or minimum amount of assistance required by the ADA that they must perform to be in line with the regulations concerning the assistance of passengers. If a transit system wants to go beyond the expected limits and allow the driver to assume attendant duties, that is the transit system's responsibility.

18. Refuse service to an individual because their disability results in an appearance or involuntary behavior that may offend, annoy, or inconvenience the driver or other passengers. (49 CFR 37.5)

Best Practice: The driver is to leave the passenger alone when a passenger has a problem related to their disability on the vehicle. For instance, if the person has "**Tourette's Syndrome**", they may use profanity or unusual behavior. The driver must be trained to recognize and understand that this person is not in control of this behavior, that it is a part of the disability, and that it will soon pass. The driver can explain to the other passengers that this is an episode of a manifestation of trance-like behavior, and they are not aware of what is happening. It is like being in a trance and will soon pass. Ask the other passengers to understand and not to take the disabled person's behavior as a threat or embarrassment.

19. Deny transportation to a wheelchair or its user because the wheelchair cannot be secured satisfactorily by the vehicle's securement system. Drivers must do their best with the available vehicle equipment. (49 CFR 37.165)

Best Practice: Inform the passenger that the vehicle's securement system was not designed for their mobility device. Suggest that they move to a seat in the vehicle. If they refuse, the driver cannot force them to move. Say to the person, "It is unsafe for "ANYONE" to use this mobility device as a seat in a moving transportation vehicle; it would be much safer for "ANYONE" to sit in a stationary seat". If they refuse, it is okay; at least the driver has warned them of the possible dangers of sitting in an unsecured mobility device. That's all the driver can do in this situation: warn them of the danger.

20. It cannot require that a passenger who uses a wheelchair or other mobility device transfer into a vehicle seat. (49 CFR 37.165)

Best Practice: Refer to number 19. All the driver can do is to suggest that the passenger move to another standard seat in the vehicle and warn them of the danger of using their wheelchair or mobility device as a seat in a moving vehicle.

21. It cannot prohibit a passenger who has a disability from using the vehicle ramp or lift, even if they choose to stand on the lift. (49 CFR 37.165)

Best Practice: The driver can inform the passenger of the danger of standing on a moving lift. Tell them it is unsafe for "ANYONE" to stand on a moving lift; "ANYONE" could fall and be injured. Drivers can offer to assist the passenger in boarding the vehicle by way of the steps.

Remember, if the passenger refuses to use the steps, the driver must allow them to stand on the lift. Operate the lift safely and smoothly, and remind the passenger to hold on to the handrails and bow their head before entering the vehicle so that they won't bump their head on the top of the door opening. The driver could suggest they use a wheelchair provided by the transit system, but if they refuse, the driver will have to allow them to stand on the lift and enter the vehicle.

UNDER 49 CFR

B. DRIVERS ARE ALLOWED TO:

22. Deny service to an individual with disabilities because they are displaying violent, seriously disruptive, and/or illegal behavior. (49 CFR 37.5)

Best Practice: If the passenger is threatening passengers or the driver, verbally or physically, and is abusive to other passengers, the driver can call the dispatcher and relate to the office about what is happening and get guidance from them. If the passenger has a weapon and is threatening the driver, the driver might want to try to get the passenger out of the vehicle and summon help from the police. (Company policies and procedures should have policies and procedures spelled out for the driver in simple, easy steps to follow so that when this occurs, the driver is not at a loss on how to handle this situation). The passenger can then be banned from the vehicle if charges are brought against the offender and result in a court order to do so; otherwise, the transit system can only suspend the offender for a limited number of days, weeks, etc. The transit system could ask for an attendant to accompany the passenger to help with this problem of violence, seriously disruptive or illegal behavior. This is mentioned as a solution in the ruling of (49 CFR 37.5)

23. The wheelchair must be secured only in the designed securement area, even if the passenger wants their mobility device to be secured in a non-designated area. (49 CFR 27.165)

Best Practice: If the passenger will not allow the driver to secure the wheelchair in a securement area designed for wheelchairs, then the driver has a right to deny the passenger a ride, and they must vacate the vehicle. Under the rule of the ADA, drivers are not required to transport passengers who refuse to have their mobility devices secured. *(If the transit system's board-certified policies and procedures for the transportation of a wheelchair passenger say all wheelchair passengers and passengers must be secured with proper tie-down and equipment and seatbelts, then the driver can refuse a ride if the passenger does not agree to have their wheelchair secured before the vehicle is moved.)* The wheelchair and its user can become a danger to other passengers in the vehicle in the event of a sudden stop or collision.

24. Not pick up a passenger who uses a wheelchair if all the designated securement areas are being used. However, drivers must immediately inform the dispatcher that a passenger who uses a wheelchair still needs a ride. (49 CFR 37.165)

Best Practice: Inform dispatch that a passenger could not ride because all the securement areas are in use. Advise dispatch that the passenger in the wheelchair still needs a ride and ask how

long it will be before a vehicle will arrive to transport the passenger to their destination. Give the dispatcher the passenger's location and directions, if necessary, and the path of travel (north on Main Street or east on Prospect Street).

25. Recommend that a passenger transfer to a seat if the wheelchair cannot be satisfactorily secured. (49 CFR 37.65)

Best Practice: Remember that transferring out of the wheelchair into a standard vehicle seat is solely up to the passenger. If the passenger refuses, the only alternative is to warn them about the danger of riding in a wheelchair that is unsecured in a moving vehicle. Refer to numbers 19 and 20.

26. Recommend a safer method for a passenger to board a vehicle rather than standing on the lift. (49 CFR 37.165)

Best Practice: Refer to number 21 and suggest better methods of boarding the vehicle, explaining the dangers of riding up on a lift. "ANYONE" could fall and be injured, etc.

NOTE:

Riding a vehicle lift while standing and/or remaining on some mobility devices (such as three-wheeled scooters) while riding a vehicle can be dangerous. Drivers are responsible for the safety of their passengers. They must also behave responsibly to protect their transit system from lawsuits that could be brought up as a result of an injury caused by negligence. Since the Code of Federal Regulations states that individuals with disabilities can choose to ride the lift vehicle standing and refuse to transfer into a vehicle seat, it is the driver's responsibility to make them aware of the dangers and to inform them of safer methods. If the drivers have a Manual of Best Practices tied into the transit system's policies and procedures that spell out the expectations of their duties that are laid out in the ADA, it will make the job easier and more professional on the driver's part.

USE OF "SEGWAY'S" ON TRANSPORTATION VEHICLES

DEPARTMENT OF TRANSPORTATION -- DISABILITY LAW GUIDANCE

USE OF "SEGWAYS" ON TRANSPORTATION VEHICLES

This guidance document concerns whether transportation entities (e.g., transit authorities, Amtrak) should permit the "Segway" personal transportation device to be used on transportation vehicles when people with disabilities use it as a mobility device.

The Segway is a two-wheeled, gyroscopically stabilized, battery-powered personal transportation device. The Segway is not designed primarily for use by individuals with disabilities, nor is it used primarily by such individuals. However, some individuals with disabilities may use a Segway as a personal mobility aid in lieu of more traditional devices like a wheelchair or scooter.

The Department's ADA rule (49 CFR Part 37, §37.3) defines a "wheelchair" as "a mobility aid belonging to any class of three or four-wheeled vehicles, designed for and used by individuals

with mobility impairments...” (emphasis added). By this definition, a Segway is not a wheelchair. However, a Segway, when used by a person with a disability as a mobility device, is part of the broad class of mobility aids that Part 37 intends will be accommodated (see, for instance, §§37.5 and 37.165). In this way, a Segway is legally analogous to canes, walkers, etc. Because a Segway is not a wheelchair, the ADA regulation’s provisions for lift and securement use specific to wheelchairs (§37.165(a) – (e)) do not apply to Segways and their users. However, §37.165(g) requires transit providers to “permit individuals with disabilities who do not use wheelchairs” to use a vehicle’s lift or ramp to enter the vehicle. Individuals who do not use wheelchairs commonly use the lift with their non-wheelchair mobility devices, such as canes, crutches, or walkers. Under this provision, an individual with a disability who uses a Segway as a mobility device must be permitted to use the lift.

This is not to say that transportation providers must allow all Segway users to bring their devices on board a bus or train. Transportation providers may establish their own general policies regarding Segways and other devices, just as they do with respect to pets or bicycles. However, when a device is being used as a mobility device by a person with a mobility-related disability, then the transportation provider must permit the person and his or her device onto the vehicle. This is analogous to the situation in which a transportation provider has a general policy that does not permit pets to enter but must permit a person with a disability to bring a service animal into a vehicle.

The maximum combined weight of a wheelchair and its passenger for lift usage is 1000 pounds. Additionally, a transportation provider is not required to permit any individual, including those with disabilities, to bring a device onto a vehicle if it is deemed too large or poses a direct threat to the safety of others. Regarding size, a non-wheelchair mobility device exceeding the standard wheelchair dimensions of 30 x 48 inches (measured two inches above the ground) may be considered too large. The direct threat standard is intentionally stringent, requiring a determination of a significant risk to the health or safety of others that cannot be mitigated through policy, procedure, or auxiliary aid modifications. Transportation providers seeking to exclude a mobility device on direct threat grounds should consult the appropriate DOT operating administration for guidance.

We note that this analysis would apply to other situations. For example, a Federal Highway Administration-assisted recreational trail that generally cannot permit use by motorized vehicles should accommodate Segways when used as a mobility device by someone with a mobility-related disability.

This guidance has been approved through the Department of Transportation’s Disability Law Coordinating Council as representing the official views of the Department on this matter.
March 25, 2025

Last Modified: Tuesday, March 25, 2025

COMPLAINT PROCESS INCLUDING RESPONSES TO COMPLAINT AND INCIDENT

The complaint procedures outlined herein apply to SCATS, the NCDOT and FHWA, FTA, FAA, and other primary recipients and sub-recipients in administering the Federal-aid highway program. These procedures cover discrimination complaints filed under Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and other nondiscrimination authorities relating to any program or services administered by SCATS to sub-recipients, consultants, and contractors.

SCATS will make every effort to obtain early resolution of complaints at the lowest level possible. The SCATS Supervisor, China Lett, will investigate all complaints of alleged discrimination. The option of informal mediation meeting(s) between the affected parties and the SCATS Office staff may be utilized to resolve the issue. Upon completing each investigation, staff will inform every complainant of all avenues of appeal. Any appeal will be heard by a separate person or committee than the person(s) who made the original decision. An appeal may be filed by calling the Director at 910-277-2500.

I. PURPOSE

The purpose of the discrimination complaint procedures is to specify the process to be employed by SCATS in accordance with guidance from the Federal Highway Administration to investigate complaints while ensuring due process for complainants and respondents. The process does not preclude the responsible staff of any agency from attempting to resolve complaints informally.

II. APPLICABILITY

The complaint procedures apply to the beneficiaries of SCATS programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.

III. ELIGIBILITY

Any person who believes that he/she has been subjected to discrimination or retaliation prohibited by any Civil Rights authorities based on race, color, sex, age, national origin, or disability may file a written complaint with the SCATS Office. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.

IV. DEFINITION

Discrimination involves any act or inaction, whether intentional or unintentional, in any program or activity of a Federal-aid recipient, sub-recipient, or contractor, which results in disparate (unfavorable) treatment, disparate impact, or perpetuating the effects of prior

discrimination based on race, color, sex, national origin, age, disability or in the case of disability, failing to make a reasonable accommodation.

An act (or action), whether intentional or unintentional, through which a person in the United States, based on race, color, sex, age, national origin, or disability, has been subjected to unequal treatment under any program or activity receiving financial assistance from the FHWA under Title 23 U.S.C.

V. FILING OF COMPLAINTS

1. Time Limits and Filing Options – A complaint must be filed no later than 180 calendar days after the following:

- The date of the alleged act of discrimination or
- The date when the person(s) became aware of the alleged discrimination or
- Where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.

Title VI complaints may be submitted to the following entities:

- Scotland County Area Transit System
- NCDOT – Office of Civil Rights and Business Development
- Federal Highway Administration
- Federal Transit Administration
- Federal Aviation Administration
- US Department of Transportation
- US Department of Justice

2. Type of Complaints – Complaints shall be in writing and signed by the complainant(s) or a representative and include the complainant’s name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing.

3. Complaint Basis – Allegations must be based on issues involving race, color, national origin, sex, age, income status, or disability. The term “basis” refers to the complainant’s membership in a protected group category.

Protected Categories	Definition	Examples
Race	An individual belonging to one of the accepted racial groups or the perception, based usually on physical characteristics, that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White
Color	Color of skin, including shade of skin within a racial group	Black, White, light brown, dark brown, etc.

National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered by national origin.	Mexican, Cuban, Japanese, Vietnamese, Chinese
Sex	Gender	Female and Male
Age	Persons of any age	21-year-old person
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic
Income Status	A person whose household income is at or below the US Department of Health and Human Services Poverty Guidelines	A person in a family or household of 4 with an income of \$20,000

VI. CONTACT INFORMATION

If there are any questions regarding these procedures or in filing a discrimination complaint, contact the China Lett, SCATS Supervisor, at 910-277-2416 or the Office of Civil Rights and Business Development, Title VI Unit, at (919) 508-1808 or 1-800-522-0453. If anyone would like the complaint form in accessible formats like large print or braille, they can request these by calling the office at 910-277-2416.

Scotland County Area Transit System (SCATS)

Please check one of the following:

ADA Complaint or **Title VI Complaint**

Part I.

Name: _____

Address: _____

Telephone: _____

Email Address: _____

Additional Formats Needed:

None

TDD

Large Print

Audio Tape

Other (Please Specify) _____

Part II.

Are you filing this complaint on your own behalf?

Yes – Proceed to Part III

No – Please provide the name of and your relationship with this person:

Name of Individual: _____

Your Relationship: _____

Please explain why you have filed for a third party:

Confirm:

- I have obtained permission of the aggrieved party to file this form on his or her behalf.
- I have not confirmed permission to file this form on behalf of the aggrieved party.

Part III.

I believe the discrimination I experienced was based on:

- Race
- Color
- National Origin
- My Disability
- Other: _____

Date of the alleged discrimination: _____

Explain as clearly as possible what happened and why you believe you were discriminated against. 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 the names and contact information of any witnesses.

Part IV.

Have you previously filed an ADA and/or Title VI complaint with this agency?

- Yes
- No

Part V.

Have you filed this complaint with any other Federal, State, or local agency or with any Federal or State court?

- Yes
- No

If yes, check all that apply:

- Federal Agency
- Federal Court
- State Agency
- State Court
- Local Agency

Please provide the contact information for a person at the agency or court where the complaint was filed:

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Email: _____

Part VI.

Name of agency complaint is against: _____

Contact person: _____

Title: _____

Telephone number: _____

Important Notice: To protect your rights, your complaint must be filed within 180 days following the date of the alleged discrimination. Failure to file within 180 days may result in dismissal of the complaint. You may attach any additional written materials or other information that you think is relevant to your complaint to this form.

Signature and date are required below.

Mail Complaint Form To:

Scotland County Area Transit System (SCATS)

Attn: China Lett, SCATS Supervisor

PO Box 1647

Laurinburg, NC 28353

scats@scotlandcounty.org

(910)-277-2416

Please note that any appeal will be heard by a separate person or committee from the person who made the original decision. An appeal may be filed by calling the Director at 910-277-2500.

SCOTLAND COUNTY AREA TRANSIT SYSTEM SERVICE POLICIES IN RELATION TO ADA

SERVICE ANIMAL POLICY AND GUIDELINES

SCATS seeks to accommodate persons with disabilities who need the assistance of service animals. SCATS is simultaneously mindful of its general public community's health and safety interests. These guidelines are aimed at meeting these concerns. SCATS is responsible for implementing this policy. Success requires the cooperation of drivers, staff, and the general public.

Definitions:

“Disability” means a sensory, mental, or physical condition or impairment that is medically cognizable or diagnosable and that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, breathing, working, and learning.

“Service Animal” means any dog guide, signal dog, or other animal individually trained to perform tasks for an individual with a disability. Examples of such work or tasks include guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, pulling a wheelchair, providing minimal protection or rescue work, a health impairment, a seizure disorder or persons with psychiatric disabilities, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA regulations.

I. Responsibility of Persons Who Have Service Animals:

The care and supervision of a service animal is the responsibility of the individual who uses the animal's service. The person must always maintain control of the animal. The person is responsible for ensuring the clean-up of all animal waste.

Vaccination: Each service animal must be immunized against diseases common to that type of animal. Dogs must have current vaccinations against rabies, distemper, and parvovirus. Dogs must wear a current rabies vaccination tag and license. As stated in Section 4-21 of Onslow County Ordinance.

Leashing: Service animals must always be on a leash.

II. Service Animals Riding with SCATS

A person with a disability who utilizes a service animal must register with SCATS.

III. SCATS drivers and staff are expected to abide by the following practices:

- a. always allow a service animal to accompany the handler

- b. not touch or feed a service animal unless invited to do so;
- c. not deliberately startle a service animal, and,
- d. not separate or attempt to separate a service animal from its handler.

IV. Removal of Service Animals from SCATS

A service animal may be removed from SCATS if its behavior is disruptive (e.g., barking, running around, displaying aggressive behavior). If such behaviors persist, the handler may not bring the animal to the van until the problem is remedied. Unclean service animals are not permitted on the vans. The handler for such an animal may be required to remove the animal.

OXYGEN BOTTLE PROCEDURES

The Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) recommends that bus/vans and train operators take the following precautions to ensure that medical oxygen being transported for passengers' personnel use is handled and transported safely.

For Transportation in the Passenger Compartment:

- Oxygen should be transported on a bus/van or train only when medically necessary.
- Oxygen should be transported in a cylinder maintained in accordance with the manufacturer's instructions. The manufacturer's instructions and precautions are usually printed on the label attached to the cylinder.
- Before boarding, inspect each cylinder to ensure it is free of cracks or leaks, including around the valve area and pressure relief device. Listen for leaks; do not load leaking cylinders on the vehicle. Visually inspect the cylinders for dents, gouges, or pits. A dented, gouged, or pitted cylinder should not be transported.
- Limit the number of cylinders to be transported on board the vehicle to the extent practical. Transportation in the passenger compartment should be limited to one cylinder per person.
- Cylinders used for medical oxygen are susceptible to valve damage if dropped. Handle these cylinders with care during loading and unloading operations. Never drag or roll a cylinder. Never carry a cylinder by the valve or regulator. Carry the cylinder carefully using both hands.
- Do not handle oxygen cylinders or apparatus with hands or gloves contaminated with oil or grease.

- Each cylinder should be secure to prevent movement and leakage. Each cylinder should be loaded and secured in an upright position. **“Secured” means that the cylinder is not free to move when the vehicle is in motion.**
- Oxygen cylinders or other medical support equipment should never be stored or secured in the aisle. Make sure that the seating of the passenger requiring oxygen does not restrict the access to exits or use of the aisle.
- Since releasing oxygen from a cylinder could accelerate a fire, each cylinder should be secured away from heat sources or potential sparks.
- Under no circumstances should smoking or open flames (cigarette lighter or matches) be permitted in the passenger compartment when medical oxygen is present.
- When you reach your destination, immediately remove all cylinders from the vehicle.

For further information, contact PHMSA’s Hazardous Materials Information Center at 1-800-467-4922.

WHEELCHAIR BOARDING METHODS

Customers' safety depends on more than just safely transporting them to their destination; their safety will also depend on how well wheelchairs are boarded and secured. **If there is any reason you believe that the combined weight of the wheelchair and the client is over 600 pounds, you must notify the dispatcher immediately.**

- Roll the wheelchair onto the lift, ensuring that the front wheels are inside the platform roll stop while the roll stop is upright.
- Lock the brakes.
- If the passenger can do so, ask the passenger to hold on to the handrails provided on the lift. If the passenger cannot hold onto the handrails, ask the passenger to hold his/her hands in his/her lap.
- Ask the passenger if he/she is ready, then operate the lift for boarding. Keep one hand on the lift controls. Ask the passenger if it is okay to rest your other hand lightly on the armrest of the wheelchair as the lift goes up while you stand on the ground; this will keep you alert to the chair's stability while also providing the passenger with psychological comfort.
- Make sure that the lift is level with the floor before stopping. Be sure that there is a smooth surface created by the vehicle transition plate so that the wheelchair rolls smoothly over it and into the vehicle.
- From inside the vehicle, hold the wheelchair handle as you unlock the brakes. (Turn the power back on or engage the clutches of a motorized wheelchair if needed.)
- Ensure the passenger's head does not hit the ceiling upon entering the doorway.

- The ADA states that wheelchairs should always be secured facing the front of the vehicle, with the exception given to some older vehicles that are not yet appropriately equipped or the size of wheelchairs and floor plan of new vehicles.
- The driver should never stand on the lift.

WHEELCHAIR LIFT AND SECUREMENT POLICY

Always follow the guidelines below to ensure safe lift operation and passenger safety:

- Follow agency procedures regarding regular lift inspections and use the preventive maintenance guidelines provided by the NCDOT Public Transportation Division.
- Always inspect a lift before each use (look for loose nuts, bolts, etc.) during pre-inspection of the vehicle when performing a run-through of the lift cycle.
- Before deploying a lift, safely park the vehicle on level ground, turn the engine off (unless otherwise specified by the manufacturer), and check for obstacles to avoid in the area where the lift is to be deployed. Ensure that hands, feet, and clothing are away from folding parts of the lift.
- Only passengers and/or their mobility devices should ride the lift. However, passengers who need to ride the lift and do not have a mobility device may also ride the lift. This should be noted on the manifest.
- When operating a lift with a passenger, allow it to go up to floor level or down to the ground without stopping.
- Have the passenger use the handrails.
- Never leave a passenger unattended on a lift. Have a family member stand by the lift to give the passenger moral support.

Assisting Wheelchair Users on the Lift:

- Wheelchair users can choose to ride a lift either facing away from the vehicle or facing the vehicle. The preferred method is to have the passenger facing away from the vehicle because it positions the bulk of the weight where there is more structural support and allows the driver to pull the wheelchair into the vehicle or push the wheelchair onto the lift by the handgrips.
- In the preferred positions, the small front wheels of the wheelchair are less likely than the large back wheels to roll over the platform roll stop.
- The preferred position also reduces the possibility of the passenger's feet or toes getting caught between the lift platform and the vehicle when the passenger is riding upward.

SECURING AN OCCUPIED WHEELCHAIR

To ensure the safety of your passengers, consistently use good practices in handling wheelchairs:

- Always use a four-point tie-down to the floor of the vehicle.
- Tie-downs should be attached to the strongest part of the device, the frame, rather than wheels or other weak parts.
- Lapboards or metal and plastic trays attached to the chairs should be removed and secured. Often, the parents of a child who uses a wheelchair do not want the driver to remove these devices, but passenger safety requires them to be removed.
- Any liquid oxygen transported should be securely mounted and fastened to prevent damage and exposure to intense heat.
- Aspirators, ventilators, and other equipment for a child must be securely mounted to the wheelchair or the vehicle.
- Never restrain a child's head separately, such as with a headband attached to the back of the seat. Restraining a child's head separately can cause excessive strain on the child's neck. Many children now have special neck braces to support their heads during transport.

HELPING PASSENGERS WITH PERSONAL ASSISTANCE DEVICES

Use the following guidelines when you are interacting with a passenger who has special needs:

Assisting Passengers who are Using Canes or Critters:

- Always ask the disabled passenger if you can assist her/him before assisting the passenger
- Assist from the opposite side of the crane.
- Canes, walkers, and other personal assistance devices should be stored so they do not interfere with movement in the vehicle.
- Amputees should be seated in cool areas during hot weather.

Assisting Developmentally Disabled Passengers:

- Treat the passengers with respect.
- Be patient and repeat instructions when necessary.
- Be firm if they insist on doing something that will endanger you, them or the other passengers.

Assisting Hearing-Impaired Passengers:

- Look directly at them so they can see your lips.
- Talk usually (do not shout) , and do not exaggerate your speech.
- Be prepared to repeat yourself.
- Get another person to talk to them if the passenger t has trouble reading your lips.
- Use a pad and pencil when

Assisting Speech-Impaired Passengers:

- Do not hesitate to ask speech-impaired persons to repeat anything you do not understand.
- Be patient; the passenger's speech condition may become more difficult to understand if the passenger is under stress.

Assisting Passengers with Visual Impairments:

- Don't touch the passenger until you tell them who you are and what you intend to do.
- Do not shout at the passenger.
- Before boarding the passenger, take their hand and show them the door openings and the seat and mention any hazards.
- When escorting the passenger, remain on the opposite side of their cane and have them hold your arm. Advise the passenger of any changes in ground texture or elevation level.
- Call out turns and maneuvers at least five steps in advance when walking with a passenger.
- If the passenger uses a service animal, it may be helpful to learn the animal's name for future reference. Avoid any abrupt movements toward the animal or the passengers.
- Seat visually impaired passengers against vehicle walls when possible or seat them in seats with armrests to assist them in keeping their balance.

PROCEDURES TO HANDLE INDEPENDENTLY CHALLENGED PASSENGERS IF NO ONE IS AT THEIR POINT OF DESTINATION

SCATS transports passengers who do not have the mental or physical capabilities to be left at their point of destination alone and unsupervised. If the situation occurs, the driver will not leave an independently challenged passenger alone on their doorstep. If the above happens, the SCATS driver will follow the following procedure immediately: Contact SCATS dispatch

TRANSPORTING ELDERLY PASSENGERS PROCEDURES

Use special care in serving elderly passengers:

- Dispatchers and Staff must be incredibly patient when giving elderly passengers information regarding bus/van routes and schedules.
- Give elderly passengers more time to get on or off the van/bus.
- Ask the elderly passengers if they would like your assistance before assisting them.
- If the elderly passenger refuses assistance, stay close to prevent them from tripping or falling.
- When assisting elderly passengers, do not put too much pressure on the passenger's arm.
- When letting elderly passengers on or off a vehicle, pull the vehicle close to the curb so the passenger won't have to step very far.
- Reserve front seats for elderly passengers unless your company policy specifies another seating area.
- Be sure elderly passengers do not sit too close to heaters or other hazards.

- Elderly passengers may need to be reminded where to get out of the vehicle.
- Keep temperature controls warm in the winter and cool in summer.
- In emergencies, drivers should notify dispatchers about possible health problems of elderly passengers.