

# **BELOIT TRANSIT SYTEM**

**June 2021**

## **ADA PARATRANSIT SERVICE CERTIFICATION PROCEDURE**

Persons interested in becoming eligible for ADA Paratransit Service are required to go through the following certification procedure:

- Step 1. Request an application form from Beloit Transit System. Application forms are available at the Beloit Transit System Office at 1225 Willowbrook Rd, Beloit, WI. Application forms available by mail by phoning BTS Office at (608) 364-2870.
- Step 2. Complete all questions in the Applicant's portion (Page 1) of the Application Form. Ensure that if a Personal Care Attendant is required to travel with the applicant, that fact is included on the application.
- Step 3. Have a physician or physical therapist, psychiatrist, or other mental health professional, complete every question in the section entitled Medical Professional Certification of the application form. The Transit Supervisor reserves the right to require additional medical verification.
- Step 4. Forward the form to Beloit Transit System Office, 1225 Willowbrook Rd, Beloit, WI 53511. An interview date and time will be assigned, if needed, once a completed form is received. If the applicant and/or representative desires to appear personally before the Transit Supervisor, be sure to note this on the form.
- Step 5. If desired, the applicant or a representative may appear at the designated interview date and time before the Transit Supervisor. If an applicant cannot appear, a representative may appear instead. If an applicant doesn't desire to appear, the service will be based on the information contained on the application form. Interviews are conducted in private, confidential sessions at the Beloit Transit System Office, 1225 Willowbrook Rd, Beloit, WI. These confidential sessions are considered "closed and private meetings."
- Step 6. Following the review, the Transit Supervisor will notify the Applicant within seven days. If additional medical verification is needed, a decision may be postponed until the additional information sought is provided. If this should occur, the Applicant will be considered eligible for Paratransit service for 21 days after the completed application is received. Eligibility will continue until/unless a finding of non-eligibility is made by the Transit Supervisor.

## ELIGIBILITY CRITERIA

The Transit Supervisor will use the statutory ADA Paratransit eligibility criteria for determining eligibility. In addition, the Transit Supervisor shall use all available sources of information to assist in the determination of eligibility, including but not limited to physician's diagnosis, witness testimony, personal acquaintance, and the interview results. No one source (e.g. physician diagnosis) shall automatically guarantee certification.

### **THE FOLLOWING INDIVIDUAL MAY BE CONSIDERED FOR ADA PARATRANSIT ELIGIBILITY**

1. Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the fixed system which is readily accessible to and usable by individuals with disabilities.
2. Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities when such an accessible vehicle is not being used to provide public transportation on a regular fix-route or routes on which the individual needs to travel.
3. Any individual with a disability who has a specific impairment related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such regular fixed-route system. (NOTE: Environmental conditions such as snow, rain, lack of sidewalks, or curb cuts do not in and of themselves confer paratransit eligibility in this case. However, these conditions in combination with a disability may contribute to eligibility *in* certain cases).

### **Transportation Prior to Eligibility Determination:**

1. If transportation is needed prior to Transit Supervisor approval, non-registered patrons will be allowed to use the service in accordance with federal regulations implementing the ADA after 21 days has elapsed from the date of receipt of a completed, correct application by the Transit System. In the event of special or unusual circumstances (i.e. need for immediate access to employment, medical care, or social services), the Transit Director may approve immediate, temporary eligibility for service on a case-by-case basis once a completed, correct application is received.

2. Visitors to the BTS Service area will be provided service upon presentation of suitable documentation such as an ADA Paratransit Eligibility Card from another transit system or a statement from a physician/Social Service agency, etc. documenting their disability, for the first 21 days of their visit to this area. After 21 days, a completed application for ADA Paratransit eligibility must be submitted. A visitor who anticipates their stay lasting longer than 21 days should submit an eligibility application immediately to ensure continuing service eligibility.
3. BTS is not required to provide paratransit service to an individual pending determination of an appeal on eligibility however should a decision not be made within 30 days of the completion of the appeal process, BTS shall provide paratransit service to an individual from that time until and unless a decision to deny the appeal is issued.

#### **ELIGIBILITY NOTE**

1. An eligible ADA Paratransit user, who by reason of their condition requires the services of a "personal care attendant" who would qualify for Paratransit service under category 1, above, may ride fixed-route buses at their option if they are able to do so with their attendant.
2. All regular year-round BTS fixed-routes and the Beloit-Janesville Express are served with wheelchair lift equipped buses which are accessible to persons with disabilities. Persons in Category 2, will therefore generally not be accommodated on Paratransit service unless BTS is unable to provide a fully accessible fixed-route bus on the route in question.
3. Persons not normally qualified for Paratransit service under Category 3, but who fall into Category 2 (able to use an accessible fixed-route bus) will not automatically be granted Category 3 status solely due to weather conditions such as cold weather or snow and ice accumulation during the winter months.
4. PLEASE NOTE: Paratransit service as provided by BTS and the contractors IS NOT an ambulance service! Persons requiring in-transit medical supervision, life support equipment other than a portable oxygen unit, or who must use a mobility device other than that meeting the definition of a "common wheelchair", walker or cane, should seek transportation from an agency properly equipped to address these needs. BTS Paratransit service is not designed, equipped or intended to provide emergency medical transportation.

#### **CERTIFICATION CONCERNS**

##### **SERVICE AREA:**

In accordance with adopted policy of the Common Council of the City of Beloit, which defines the BTS service area, ADA Paratransit service is available only within  $\frac{3}{4}$  of a mile of the regular bus routes. Persons residing outside this area are not eligible for service except as provided in "Visitors", above.

### Personal Care Attendant:

An eligible ADA Paratransit user, who by reason of his/her condition, requires the services of a "Personal Care Attendant" in order to perform one or more "Major Life Activities" as defined by the ADA, may have such attendant travel with him/her at no additional charge. In order to be eligible, the need for a Personal care Attendant must be identified on the application for ADA Paratransit Service eligibility.

### Companions:

Individuals accompanying an ADA paratransit eligible individual shall be provided service as follows, subject to paying the regular paratransit fare:

1. One other individual accompanying the ADA paratransit eligible individual shall be provided service.
2. Additional individuals accompanying the ADA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to ADA paratransit eligible individuals.
3. In order to be considered as "accompanying" the eligible individual for purposes of this paragraph, the other individual(s) shall have the same origin and destination as the eligible individual and be utilizing one service at the same time.

### Wheelchairs:

Persons confined to wheelchairs are eligible for ADA Paratransit service if the combination of their disability and environmental factors or their disability alone is of a nature which prohibits their use of the accessible fixed-route BTS system. All wheelchairs meeting the ADA definition of "common wheelchair" will be accommodated. Three wheel carts/scooters will be allowed if the cart has a forward locking chair and is of reasonable overall size. Three wheel cart users/passengers, if able to, may transfer to a stationary bus seat and be belted.

### Semi-Ambulatory:

The guiding eligibility criteria is that due to their disability or a combination of their disability and environmental factors persons must experience substantial problems with conventional regular route mass transit due to substantial mental or physical problems in climbing bus stairs, walking to the bus stop, maneuvering inside the bus or navigating the regular route system. Persons with minor or

moderate difficulties with conventional mass transit will not be eligible.

Oxygen/Life Support Equipment:

Persons requiring external life support equipment or persons requiring immediate/emergency medical attention are not eligible for ADA Paratransit service. The ADA Paratransit Service should not be considered and cannot be used as a substitute for ambulance service. However, persons who use a personal oxygen supply, ventilator, respirator, or concentrator and who normally do so are eligible for ADA Paratransit Service.

**LEVEL OF CERTIFICATION:**

Upon determination of eligibility, the Transit Supervisor will issue one of the following certifications:

- 1) Annual: The scope of disability and need for ADA Paratransit Service exists year-round; no limitation as to ADA Paratransit Service use. These certifications shall be reviewed every three years.
- 2) Temporary: The disability is for a limited, specific time period due to post-operative recovery, broken bones, etc. Provided, however, that the person thus affected is placed in ADA Categories 1 or 3 by the temporary condition for the duration of the condition.
- 3) Conditional: The disability is such where the individual needs ADA Paratransit Service only when certain conditions exist; e.g. night-time visibility, confusion if traveling alone. These certifications shall be reviewed every three years.
- 4) Non-Resident: The individual meets the eligibility criteria of section 1.3 and the certification determination of subsections 1.4.1.a through 1.4.1.c, yet whose residence is outside the BTS transit service area. All pick-up and drop-off locations must be within the transit service area.
- 5) Visitor: All visitors will be provided service. If the individual is visiting and residing with a resident or is residing in a public accommodation located within the transit service area and meets the eligibility criteria. The eligibility process shall be waived and eligibility verification shall be one of two methods:
  - A) Communication to dispatcher and display to driver of eligibility card from individual's local public transportation program;
  - B) Site verification from ADA Paratransit Service driver. Should the driver believe the individual is capable of using fixed-route transit service, following the initial round-trip transportation the individual will be required to compile items 1, 2 and 3 of Subsection 1.1 and receive authorization from the Director of Transit before future transportation is provided.

NOTE: The visitation period shall not exceed 21 calendar days. Longer visits shall be subject to the certification procedures beginning with step 1.

## REDUCED FARE CERTIFICATE

If the Transit Supervisor finds that the individual meets the handicapped definition given below but is able to utilize regular route mass transit, a reduced-fare card shall be issued which allows the individual to ride the BTS fixed route system for half-fare.

Handicapped Person means any individual who, by reason of illness, injury, process of aging, congenital malfunction or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize regular fixed-route mass transportation facilities and services as effectively as persons who are not so affected. Also, those individuals who, due to a disability, are unable to obtain or retain a valid Wisconsin driver license.

## SUSPENSION

The Transit Supervisor shall have authority, subject to review, to suspend or revoke a passenger's ADA Paratransit Service Eligibility for violation or disregard of these guideline, or for excessive missed or late appointments for pick-up. Paratransit service may be suspended for a reasonable period of time in the event that an individual passenger consistently (5 or more times within one(1) calendar year or, 3 or more times within one calendar month) misses scheduled appointments. This shall be defined as the failure of a passenger to be present and ready to travel within five (5) minutes of the agreed-on pickup time. If a passenger gives notice the day prior to the scheduled reservation that the trip will not be taken, then such trip shall be considered a canceled trip and no penalty shall be applied. Before service is suspended to a particular person, such rider shall be notified in writing of the intention to suspend with the opportunity to appeal such suspension to the Transit Supervisor which will review the case and issue a decision on whether to suspend service, and for what length of time. Transit Supervisor shall notify the passenger of its decision in writing. Such notice shall be conspicuously and clearly presented to the individual therein. Appeals of suspension of service shall be reviewed by the Director of Transit who has the final and binding authority in such matters/determinations. Suspension of service does not prohibit an individual from applying for certification again. Notice of suspension, adequate in form and content, if the suspension is upheld, shall be provided to the rider prior to service suspension. Passengers shall continue to utilize paratransit service until a final determination has been made.

## RECALL

The Transit Supervisor shall have authority to recall for review for whatever reason it deems necessary any ADA Paratransit Service passenger who has had a ADA Paratransit Service Certification.

## REVIEW OF TRANSIT SUPERVISOR DECISIONS:

Review of ADA Paratransit Service Transit Supervisor decisions by the Director of Transit shall consist of the written record and minutes of Transit Supervisor meetings and other written material or oral information submitted by an aggrieved applicant or passenger.

In the event that the Transit Supervisor shall make an adverse finding with respect to any application, written notice of the decision shall be mailed by regular mail to the applicant within 14 days following the Transit Supervisor meeting at which such decision was made. Each notice of adverse decision shall briefly state the reason for the decision and advise the applicant or passenger of the last date by which request for review must be made in writing and received at Beloit Transit System Office, 1225 Willowbrook Rd, Beloit, WI 53511 within ten days of the date of notice of an adverse decision. The Director of Transit shall, within 30 days of receiving a request, review the decision of the Transit Supervisor. Notice of the final decision shall be made in writing to the applicant with 30 days following the meeting at which such review is made. All required notices may be made by regular postal service and delivery shall be presumed unless returned to the Beloit Transit System Office undelivered.

## REAPPLICATION AFTER DENIAL OF CERTIFICATION:

If an applicant or recalled registrant is denied certification by the Director of Transit, the applicant or passenger may reapply if there are substantial new or different conditions which cause a significant depreciation in physical or mental capabilities.

## APPEAL AND GRIEVANCE POLICY AND PROCEDURE

### Purpose

The purpose of this policy and procedure is to establish a secure, easy, and efficient manner to resolve grievances and provide a structure for the ADA eligibility appeals process. For the purpose of this Policy, a grievance shall be defined as a complaint regarding access or alleged discrimination.

### Scope

This procedure shall be available to all citizens of Beloit and those individuals living within the three-quarter mile corridor surrounding the

fixed route pathway that may be eligible for paratransit services sponsored by the City of Beloit, Beloit Transit System.

## Grievance and Appeal Process

### **Step One**

All appeals are to be submitted in writing to the Director of Transit at Beloit Transit System Office, 1225 Willowbrook Rd, Beloit, WI 53511. The appellant shall set forth in the text of the appeal the nature of the appeal, the supporting facts, statements, documents, and/or other information, the specific nature of the perceived barrier to access or alleged discrimination, and the relief requested.

No appeal shall be accepted which has been submitted:

1. More than sixty (60) days after the occurrence of the initial denial of service that gave rise to the appeal; or
2. More than sixty (60) days after the appellant, through the use of reasonable diligence, should have had knowledge of the event.

Within ten (10) calendar days of the receipt of the written appeal, the Director of Transit will meet with the appellant in an attempt to resolve the matter. The Director of Transit will provide a written response to the appellant within ten (10) calendar days following the meeting. If the Director of Transit's response does not resolve the matter to the appellant's satisfaction regarding the denial of service, the appellant may proceed to Step Two, the ADA Compliance Committee, by submitting a written notice for "due process" within ten (10) calendar days after the receipt of the Director of Transit's written response in Step One.

### **Step Two**

The ADA Compliance Committee will consider all written requests of appeal. The Compliance Committee will be comprised of three (3) voting members and one (1) Ad Hoc non-voting member. The voting members are the Director of Transit, the Personnel Director, and the Transit Supervisor. The voting members will select the non-voting member from the established list of eligible paratransit ridership.

The original written appeal, all documentation and supporting information, the letter of response, and any other information not previously submitted in support of the appellant's position would be considered in the Step Two appeal process. The Committee may seek consultation from expert sources regarding the specific nature of the disability area. The Committee will review the written appeal, supporting documentation, and expert witness consultation information prior to a closed hearing with the appellant. Following the Committee's review, a closed hearing will take place at which time the appellant may present the specifics of the appeal and the stated relief to the Committee. All participants will have the opportunity to present supporting information of their position. The Committee shall issue a written decision to the appellant within forty-five (45) calendar days of being notified of the appeal. All Committee proceedings shall be recorded, transcribed and maintained. All documentation accessed and presented at the hearing shall be maintained.



If the ADA Compliance Committee's decision does not resolve the matter to the appellant's satisfaction regarding the denial of service, the appellant may proceed to Step Three. Step Three is the City Council at a public hearing. The appellant must submit a written notice for "due process" to advance to Step Three within ten (10) calendar days after the receipt of the ADA Compliance Committee's written decision in Step Two.

### **Step Three**

The City Council of Beloit in a public hearing shall accept a written Notice of Appeal, hear the oral position of the appellant or their representative, review the previously submitted documents, proceedings, and written communications for their determination. A determination shall be made within thirty (30) calendar days of the public hearing. The determination of the Beloit City Council shall be final.

1. Records - Records of the appeal proceedings and the actions taken must be maintained for each level of the appeal process at their respective locations.

2. Reprisal - Reprisal against any appellant or witness for the appellant is prohibited.