


Category:	JAMM Transit Policy	INCA Community Services JAMM Policy 
Effective Date:	10/2017	
Revised Date:	02/18, 09/25	
Responsible:	Transit Operations Director and Human Resource Director	
Forms:		

References: Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, and US Department of Transportation (DOT) implementation regulation found at 49 CFR Parts 27, 37, and 38, as amended.

JAMM Transit ADA Policy

Purpose/Introduction

It is the goal of JAMM Transit, through its (demand response) rural public transit service, to design, implement, and maintain an efficient and effective transportation system for persons with disabilities. INCA Community Services, operating as JAMM Transit, works to ensure nondiscriminatory transportation in support of the Federal Transit Administration's mission to enhance the social and economic quality of life for all Americans.

Policy

It is the policy of JAMM Transit to abide by all provisions of the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973 and US Department of Transportation (DOT) implementation regulation found at 49 CFR Parts 27, 37, and 38, as amended; in the delivery of transit services that are open to the public and prohibits discrimination based on disability and sets specific requirements that transit agencies must follow.

ADA Requirements

JAMM Transit provides demand-response rural public transportation and offers equivalent service to individuals with disabilities, consistent with DOT ADA 49 CFR Part 37.77. This transportation will be provided in the most integrated setting appropriate to the individual's needs. It will be equivalent to the service offered to other individuals with respect to:

- Response time;
- Fares;
- Geographic area of service;
- Hours and days of service;
- Restrictions or priorities based on trip purpose;
- Availability of information and reservations capability;
- Any constraints on capacity or availability;

Training

JAMM Transit shall ensure that personnel are trained to proficiency, as appropriate to their

duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service respectfully and courteously, with appropriate attention to the differences among individuals with disabilities.

Service Animals <https://www.ada.gov/resources/service-animals-2010-requirements/>

Service animals: JAMM Transit shall allow trained service animals to accompany individuals with disabilities in vehicles and facilities. Under the Americans with Disabilities Act of 1990, a service animal is defined as “any guide dog, signal dog, or other animal that is individually trained to do work or perform tasks for an individual with a disability, including but not limited to, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.”

Emotional support animals: Animals that provide only comfort or emotional support are not considered service animals under DOT regulations and are not automatically permitted.

Control of the service animal: The service animal is the responsibility of the animal’s partner. Any animal out of control will not be transported. If an animal’s behavior creates a hazard or direct threat, the accountability for damages or injuries shall remain with the person responsible for the animal. Service animals should sit or lie on the floor. Animals should not occupy a passenger seat, and should not block the passenger aisle.

Asking if an animal is a Service Animal

<https://www.ada.gov/topics/service-animals/#:~:text=You%20may%20ask:.activities%20provided%20to%20the%20public>

Under the Americans with Disabilities Act (ADA), staff may ask only two questions about a service animal. These questions are:

- Is the animal a service animal required because of a disability?
- What work or task has the animal been trained to perform?

Rules for asking these questions:

- **When to ask:** Staff may ask these two questions only when it is not obvious that the animal is a service animal. If the task the animal performs is clear, such as guiding a blind person, no questions should be asked.
- **What you cannot ask:** Staff are legally prohibited from asking about the person’s disability, requiring medical documentation, or demanding a demonstration of the animal’s task.
- **No certification required:** No official government-issued certification or registration exists for service animals in the U.S., so staff cannot ask for one.
- **Excluding a service animal:** A service animal can only be excluded if it is out of control and the handler does not take effective action, or if it is not housebroken. Even then, the person with the disability must still be offered the opportunity to receive services without the animal.

An animal is not a service animal: If the staff determines that an animal is not a service animal after asking the two permissible questions, they should inform the handler that the animal is not allowed to accompany them into the vehicle or facility and must be in a pet carrier.

- If the handler states that the animal is for emotional support or companionship, or if they cannot describe a specific task the animal is trained to perform due to a disability, then it is not considered a service animal under the ADA.

Transporting Wheelchairs

Wheelchair Definition: A wheelchair is defined in Section 37.3 as “a mobility aid belonging to any class of three-or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.”

JAMM Transit will accommodate mobility devices. Three or more wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered, will be accommodated as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space for the wheelchair on the vehicle. Mobility devices will not be transported if they do not comply with legitimate safety requirements.

Wheelchair Securement

Section 38.23(d) of the DOT's ADA regulation requires all ADA compliant vehicles to have a two-part securement system: One to secure the mobility device and secondly a seatbelt and shoulder harness for the wheelchair user, complying with all applicable provision of Title 49 Part 571, (such seat belts and shoulder harnesses shall not be used instead of a device which secures the wheelchair or mobility aid itself).

The Securement system shall limit the movement of an occupied wheelchair or mobility aid to no more than 2 inches in any direction under normal vehicle operation conditions. 49 CFR Part 38(d)(5)

All wheelchairs must be securely fastened to the vehicle floor using the provided securement equipment.

Lift Deployment

Passengers will be permitted to use a lift or ramp to board or disembark from a vehicle at any designated stop, unless the lift or ramp cannot be deployed, it would be damaged if deployed, or temporary conditions preclude the safe use of the stop by all passengers. Standees should stand in the center of the platform facing the direction of travel. If capable, the passenger should hold both handrails when on the platform.

It is recommended that power chairs and scooters be turned to the “OFF” position once on the lift platform and while the lift is in operation.

Priority Seating

<https://www.ecfr.gov/current/title-49/subtitle-A/part-38/subpart-B/section-38.27>

JAMM Transit's priority seating policy is based on the ADA regulations set by the U.S. Department of Transportation (DOT). This policy ensures that specific seats are designated for passengers with disabilities, elderly individuals, and those with limited mobility.

Designated seating:

- **Location:** Priority seating is located near the entrances of all JAMM Transit buses for easier boarding and exiting.
- **Signage:** These seats are clearly marked with signs or decals to inform all passengers that they are priority seats for individuals with disabilities.
- **Wheelchair securement areas:** The priority seating area also includes spaces where wheelchairs and other mobility devices are securely stored.

Passenger refuses to move:

- **Operator's authority is limited:** Consistent with DOT regulations, the bus operator is required to ask but is not obligated to compel a passenger to move if they refuse.'
- Next steps for the driver: If the person refuses to move and there are no other available seats, the driver should inform the disabled passenger of the situation.

Courtesy and Expectation:

While JAMM Transit staff will make reasonable requests, all passengers are expected to cooperate and show courtesy by yielding priority seats to those who need them. For more details, passengers can contact the JAMM Transit county office.

Respirator and/or Portable Oxygen Equipment

Individuals with disabilities who use portable oxygen devices are allowed to travel with respirators and properly secured portable oxygen supplies. Oxygen supplies must not obstruct the aisle. 49 CFR Part 37.167(h)

Seat Belts

All passengers must be able to sit in a bus seat or a wheelchair to be transported. JAMM Transit provides seatbelts and shoulder harnesses for all passengers in all transit vehicles. Transit vehicles are equipped with securement systems for passengers in standard bus seating and for mobility devices, which include both straps to secure the mobility device and a lap/shoulder belt for the passenger. Signage for fastening seatbelts is posted in each vehicle.

Denial of Transportation Services

- JAMM Transit will deny service to any individual who engages in violent, illegal conduct.
- If a passenger's physical condition or conduct is hazardous, or if the passenger's behavior is seriously disruptive and/or a direct threat to others, service will be denied.
- The passenger will be notified of their right to appeal the denial of service, and the agency will hear the appeal as soon as reasonably possible.

Driver Responsibilities

- Drivers are responsible for loading and unloading passengers.
- Drivers are not permitted to enter a passenger's home except under the Good Samaritan Law.
- Drivers are not permitted to maneuver a wheelchair up or down more than one step. This rule is in place for the safety of both passengers and drivers.
- Drivers are not permitted to lift passengers.
- Drivers will assist passengers in removing lightweight items from the vehicle and placing them on the curb. If additional assistance is required, it may be provided on a case-by-case basis.

Personal Care Attendants and Companions

- Personal care attendants (PCAs) are not required unless the transit agency has evaluated the participant and feels it is necessary to protect the individual from harm. If a passenger is accompanied by a PCA, the PCA will ride free of charge.

- A companion (e.g., friend or family member) is not considered a personal care attendant unless the eligible individual regularly makes use of a personal care attendant and the companion is actually acting in that capacity.
- During the reservation process, an individual must indicate whether they travel with a personal care attendant. If someone does not indicate the use of an attendant, then any individual accompanying them would be regarded as a companion.

Effective Communication

JAMM Transit is committed to providing information about its services, policies, and procedures to the public in accessible formats for persons with disabilities.

JAMM Transit shall provide a TTY number by dialing 771, allowing persons with hearing or speech impairments to communicate with and receive information from transit system staff.

Reasonable Modification (49 CFR Parts 27 and 37)

A reasonable modification is a change to a policy, practice, or procedure that enables individuals with disabilities to have equal access to programs, services, and activities. JAMM Transit will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for qualified individuals with disabilities, unless:

- Granting the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health or safety of other passengers.
- The individual with a disability can fully use the JAMM Transit service without the accommodation being made.
- Where granting the request would cause an undue financial and administrative burden.

Requesting Reasonable Modifications

- JAMM Transit will provide information on how to make requests for reasonable modifications. This information will be readily available and easily accessible to the public through the JAMM Transit website, brochures, passenger handbook, and policy guidelines. Accommodation requests can be submitted in writing to the Human Resource Department.

Processing/Granting/Denying Modification Requests

- JAMM Transit will process reasonable modification requests within five business days. As soon as a determination regarding reasonable accommodation has been made, that decision will be promptly communicated to the individual. If a request for reasonable accommodation is denied, JAMM Transit will communicate the denial to the individual requesting modification.

Public Involvement

JAMM Transit is committed to providing ongoing mechanisms in accessible formats to involve the public in decisions regarding its accessible services, proposed fare increases, policies and procedures, and other similar topics.

Complaint Procedure

Any person who believes they have been discriminated against or has a concern may file a formal complaint. JAMM Transit provides information to the public through its agency website,

where all policies and procedures are listed (www.incacaa.org). Complaints can be submitted to the agency via email, phone, or in person at the office of the representatives. When a complaint is received, documentation is kept concerning the nature, date, and time of the complaint. Every complaint will be investigated within 10 days of receiving the complaint, to the extent reasonably possible, which shall include but not be limited to interviewing the Complainant and any witnesses, reviewing documents, and interviewing the Respondent. After JAMM Transit investigates the complaint, a decision will be rendered within five days of completing the investigation in writing to the Complainant and Respondent.

If the complainant disagrees with JAMM Transit's decision, they may pursue an opportunity to appeal. An appeal must be filed in writing within five days of the decision and submitted to the Executive Director of INCA Community Services, doing business as the JAMM Transit program. The appeal must contain a specific statement of the basis of the appeal.

In the event of an appeal, the investigating official will then refer the appeal and the evidentiary record to the Executive Director. A hearing will be scheduled with the Complainant, Respondent, and any other applicable parties within ten days of receiving the appeal. The Executive Director will act as an intermediate level of appeal by reviewing the principal or designee's decision and the oral and written evidence presented. The Executive Director may request additional documentation at their discretion. Audio equipment may be used during the hearing. Within five days of the hearing, the Executive Director will make a final decision, and no other action may be taken.

Designated Employee(s) - JAMM Transit's designated official responsible for processing reasonable modification requests and handling complaints is:

Erica Pogue, Executive Director
INCA Community Services, Inc.
PO Box 807, Atoka, OK 74525
580-889-5193
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Shelley Prince, Human Resource Manager
INCA Community Services, Inc.
PO Box 68, Tishomingo, OK 73460
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Definitions

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

Direct threat - A significant risk to the health, safety, or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.

Good Samaritan Law - Oklahoma - protects individuals who provide emergency care or assistance without expecting payment, shielding them from civil liability for acts or omissions unless those actions were willful, wanton, or constituted gross negligence.

TTY Number - A teletypewriter device for the Telecommunication Relay Service; dial 711 to be connected to a communication assistant who facilitates conversations between text and voice.

PCA - Personal Care Attendant - provides nonmedical assistance to people with disabilities, intellectual challenges, or those recovering from illness.

Dissemination of Policy

The policy will be made available to all employees through the agency's website. The agency will educate and train employees and supervisors on the policy and any conduct that may constitute a violation of it.

