

**Americans with Disabilities Act of 1990 (ADA)**  
**Policy and Procedures**  
**Date: December 1, 2022**

**Purpose:** This policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the American with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable state laws and regulations. All services operated by Cherokee County Transit are operated on a non-fixed route basis and the system complies with ADA requirements with respect to such services.

**Policy:** It is the policy of Cherokee County Transit to comply with all the legal requirements of Federal and State laws and regulations as they pertain to individuals with disabilities. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

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

1. provide individual, dignified services to all persons including individuals with disabilities.
2. expedite the safe and efficient boarding, securing, transporting and alighting of all passengers, regardless of mobility status.
3. accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

**Applicability:** This policy applies to all transit system employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

**Definitions:**

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

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

*Mobility Aid/Non-Wheelchair Mobility Device:* A device used by a person with a mobility impairment to assist with mobility but does not meet the requirements of a wheelchair as defined by ADA. These include but are not limited to canes, crutches, walkers and “segways” when used by a person with a mobility related disability.

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

*Securement Station:* Space specifically designed to secure and stabilize wheelchairs on transit vehicles.

*Service Animal:* An animal that is individually trained to perform a task or tasks for people with disabilities.

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

**Facility and Vehicle Accessibility:** The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38. Vehicles purchased for non-fixed-route service will only be non-accessible to the extent that the system, when viewed in its entirety, provides the same level of service to disabled persons as non-disabled persons.

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

inaccessible vehicles will be replaced with accessible vehicles until the system, when viewed in its entirety, is accessible.

**Wheelchair Accommodation:** Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space for the wheelchair on the vehicle. If a vehicle lift/ramp and securement area can accommodate a mobility device, Cherokee County Transit will transport the device (and its user).

**Boarding:** Drivers will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary to accommodate slower passengers and waiting for passengers to be seated before moving the vehicle. It is the responsibility of the driver to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pick-up site. The passenger and/or their guest, escort or attendant will maneuver the passenger and mobility aid to the vehicle. Only a properly trained transit system employee can operate the lift, secure the wheelchair on the lift and in the securement station.

**Priority Seating:** With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating. However, this does not supersede the transit system's right to require any passenger who has caused a disruption in the safe travel of other passengers and/or driver to be required to sit in a specific area of the vehicle as a condition of transportation.

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

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

**Securement:** Securement of the wheelchair class of mobility devices is the responsibility of the driver and drivers will be trained in the proper operation of all securement equipment based on manufacturer specifications. Non-wheelchair

aids are the responsibility of the individual passenger; however, it must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. If the tie-down system is not compatible for the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair can not 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 common wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service. Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area.

Seat belts and shoulder harnesses are required for ALL passengers. However, seat belt use exceptions will be made for individuals with medical or physical conditions that restrict the use of a seat belt. The exception will be granted when transit is provided documentation from a medical professional.

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

**Service Animals:** In compliance with 49 CFR Part 37, the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal, *but may ask what tasks the animal has been trained to perform*. However, any animal which is not under the passenger's control or which becomes a threat to other passengers may be restricted from riding.

**Alighting:** It is the responsibility of the driver to determine that the location for passenger alighting is safe. However, the driver will allow a passenger who uses the lift to disembark at any location, unless the lift cannot be deployed, the lift will be damaged if deployed; or conditions at the stop would present unsafe conditions for all passengers. The driver will only unsecure the wheelchair and operate the lift to return the passenger to the ground level. Only a properly

trained transit system employee can operate the lift, secure the wheelchair on the lift and in the securement station.

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

**Maintenance of Accessible Features:** Accessibility features on vehicles, including lifts and wheelchair securement devices, will be maintained in operative condition. This includes providing preventive maintenance on lifts as recommended by the equipment manufacturers, cycling the lift as part of each pre-trip inspection, taking vehicles with inoperative lifts out of service, and repairing inoperative equipment promptly. Drivers are required to report lift failures as soon as possible.

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

**Staff Training:** All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly assist and treat individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

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

**Complaint Procedure:** All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to Jennifer West, Transit Director, at 77 Hardin Street Murphy, NC 28906. Phone number and email are 828-835-4548, [jennifer.west@cherokeecounty-nc.gov](mailto:jennifer.west@cherokeecounty-nc.gov). Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment.

**Modification of Policy:** If a passenger requires modification of any of these policies to accommodate their disability, they may request such a modification by contacting Jennifer West, Transit Director, at 77 Hardin Street Murphy, NC 28906.

Phone number and email are 828-835-4548, [jennifer.west@cherokeecounty-nc.gov](mailto:jennifer.west@cherokeecounty-nc.gov).  
The transit system will work with the individual to find an accommodation solution.