



**COUNTY OF NEVADA
DEPARTMENT OF PUBLIC WORKS
TRANSIT SERVICES DIVISION**

**Program, Policies and Procedures
Transportation for Individuals With Disabilities;
Reasonable Modification of Policies and Practices**

July 2015

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COUNTY OF NEVADA, DEPARTMENT OF PUBLIC WORKS, TSD,

INDIVIDUALS WITH DISABILITIES POLICY STATEMENT

The County of Nevada Department of Public Works, Transit Services Division (TSD) operates the fully accessible fixed route Gold Country Stage transit system in western Nevada County with service to the incorporated cities of Grass Valley, Nevada City and the un-incorporated areas of Rough and Ready, Penn Valley, Lake Wildwood, Alta Sierra and other rural vicinities. There is also a limited commuter stop regional service to and from Grass Valley and the City of Auburn, CA. Fixed route service is provided Monday through Friday 6:00 am - 8:30 pm and Saturday 7:30 am - 5:00 pm. American's With Disabilities Act (ADA) qualified complementary paratransit service is provided through a contractor with fully accessible service based on ride reservations directly to destinations requested within defined service areas. This is an origin-to-destination/door-to-door service and does not include deviated route service. The service areas include the ADA corridor (3/4 of a mile on either side of fixed routes) and an additional 3/4 mile defined outlying service area that is served as resources allow. Complementary paratransit service operates the same days and hours as the fixed route service. TSD operates public transit services in compliance with applicable regulations in the American's With Disabilities Act, including Title II, as well as the Department of Transportation 49 CFR Parts 27 and 37.

It is the policy of the County of Nevada and the TSD that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of the County or be subject to discrimination by the County. In support of this policy, and as required by Title II of the Americans with Disabilities Act (ADA), TSD ensures that its service, programs and activities comply with this policy and that all employees and affiliates consider, respect, and observe this policy. TSD is committed to providing public transportation in an environment that reflects equal opportunity for individuals with disabilities and providing reasonable accommodation for persons with disabilities as required and appropriate.

TSD is committed to making reasonable modifications to policies, practices and procedures to avoid discrimination and ensure that its programs and services are accessible to individuals with disabilities.

TSD will not condone retaliation against an individual for his/her involvement in asserting his/her rights pursuant to this policy or because he/she filed a complaint or participated in an investigation under this policy.

Additionally, TSD ensures that its service, programs, policies and activities comply with Title VI of the Civil Rights Act of 1964, as amended, and Department of Transportation regulations.

COUNTY OF NEVADA, DEPARTMENT OF PUBLIC WORKS, TSD,

INDIVIDUALS WITH DISABILITIES PROGRAM, POLICIES AND PROCEDURES (IWDPPP)

1. Notification of Beneficiaries regarding the IWDPPP

TSD provides information regarding IWDPPP on the TSD web site, at the TSD office, at community meetings and events and through agencies and services directed to persons with disabilities throughout our community. Ongoing outreach includes reasonable modification information through these channels. Pertinent information is available at our main hub transit center and on buses operated by TSD. As required and applicable, this information will be available in English, Spanish and accessible formats. It is noted that TSD makes good faith efforts to fulfill accessible format requests and that procurement of formats is dependent on format item and availability, resources and available lead time to secure the format.

2. Effective Communication

TSD will generally, upon request, provide appropriate accessible formats, aids and services leading to effective communication for persons with disabilities so they are able to participate equally in TSD programs, services and activities. This includes making available information regarding the applicability of Title II of the ADA to services, programs and activities of the TSD. TSD takes appropriate steps to ensure that communications with members of the public with disabilities are as effective as communications with others. The type of accessible format or aid will vary in accordance with the method of communication used by the individual. It is noted that TSD makes good faith efforts to fulfill accessible format requests and that procurement of formats is dependent on format item and availability, resources and available lead time to secure the format.

3. Information and Signage

TSD makes good faith efforts to ensure that interested individuals with disabilities can obtain information as to the existence and location of accessible TSD services, programs, activities and facilities.

4. Complaint Procedures and Complaint Form

An individual with disabilities who is not satisfied with TSD services or a response from TSD regarding a reasonable modification request or who has been denied a requested modification is entitled to file a formal written complaint. TSD has developed a complaint procedure and form available on the TSD website, www.goldcountrystage.com or at our office. TSD will make good faith efforts, upon request, to provide complaint procedures and forms to individuals with disabilities who do not have access to the internet and/or are in need of alternative formats. This process will promptly communicate responses to complainants, including reasons for the response and will document the response. The complaint procedure and form is included at the end of this document.

5. Promoting Inclusive Public Participation and Meaningful Access

TSD provides public participation opportunities that ensure that all members of the public will be empowered to participate in decisions involved with the western Nevada County public transit system and makes good faith efforts to provide accessible accommodations for persons with disabilities in relation to meeting sites, transportation and presentation formats.

6. Providing Accessible Bus Stops

TSD is committed to providing an accessible transit center, office and bus stop system for all passengers. Our public transit system is located in the rural foothills of the Sierra Nevada Mountains and as such, presents a challenging service area due to the inherent topography. Bus stop accessibility improvements are regularly inventoried, identified, assessed and improved as applicable and implemented as resources allow. Minimum ADA requirements are always determined in relation to the specific stop or location and safe accessibility is a priority. TSD works with the individuals with disabilities community in providing input on bus stop locations and improvements.

7. Fare Information and Requirements

TSD has established a reasonable fare structure for both fixed route and paratransit travel. Fixed route fares include cash fares, one day passes, monthly passes, and free transfers with half-off disabled, senior and youth discounts for qualified individuals. Paratransit fares include cash fares that are no more than twice the cost of a one way fixed route full fare, subscription rides and ten ride punch cards. Generally drivers are prohibited from touching bus fare money; however, if an individual with a disability is unable to physically deposit their fare into the fare box and they request assistance from the driver, a modification will be implemented to assist.

8. Paratransit Eligibility

TSD manages the paratransit eligibility process for western Nevada County public transit. The process is based on ADA guidelines and regulations and an appeal procedure is in place through which individuals who are denied eligibility can participate. Paratransit eligibility information, applications and assistance is available through the TSD and paratransit provider. As required and applicable, this information will be available in English, Spanish and accessible formats. An original "Complementary Paratransit Implementation Plan" was adopted in western Nevada County in 1992 and the Plan is updated as applicable.

9. Wheel chairs and Service Animals

TSD recognizes the DOT definition of a wheelchair 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. TSD will carry a wheelchair and occupant if the lift and transit vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements based on actual risks. TSD will not limit transportation of wheelchairs or mobility aids based on the inability of the securement system or deny service due to securement difficulties.

TSD recognizes the DOT definition of a service animal as any animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Non-service animals may be transported in a secure, leak proof cage or container.

COUNTY OF NEVADA, DEPARTMENT OF PUBLIC WORKS, TSD,

TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES: REASONABLE MODIFICATION OF POLICIES AND PROCEDURES PROCESS

This section describes the TSD procedure and process for handling reasonable accommodation requests from individuals with disabilities who travel on our western Nevada County public transit system.

1. Information about TSD procedure and process for handling reasonable accommodation requests will be readily available to the public, including individuals with disabilities, through our current information sources which include our website www.goldcountrystage.com, written copies of the “Program, Policies and Procedures Transportation for Individuals With Disabilities; Reasonable Modification of Policies and Practices” document and the availability of TSD staff at our office and on the bus. As required and applicable, this information will be available in English, Spanish and accessible formats. It is noted that TSD makes good faith efforts to fulfill accessible format requests and that procurement of formats is dependent on format item and availability, resources and available lead time to secure the format.

2. Individuals with disabilities may contact TSD to request reasonable modifications by directly contacting TSD or our paratransit provider through phone, written documents, e-mail goldcountrystage@co.nevada.ca.us, during the paratransit eligibility process or through a TSD fixed route or paratransit driver. Requests for modification should be made in advance and should be as specific as possible, including information on why the modification is needed in order to use the TSD services; it is not a requirement to use the term “reasonable modification” when making a request. TSD will address the request in a timely manner, review all information, work with the requestor to determine a workable and safe solution and implement said solution appropriately.

3. If requests for modification cannot be made in advance, TSD or our paratransit provider will respond to an on-the-spot request to the office as promptly and appropriately as possible and the request will be approved or denied by an authorized designee. If an on-the-spot-request is made directly to a driver, dispatch will be contacted on how to proceed and a timely and appropriate response will be provided.

4. TSD follows 49CFR, Section 37.169 of the DOT Federal Register guidelines that provide four classes of situations in which a transportation provider could deny a requested modification to service or programs and these apply to both advance and on-the-spot-requests. These classes are as follows:

- 1) The modification request would fundamentally alter TSD services, programs or activities.
- 2) Granting a request for a modification would create a direct threat to the health and safety of others.
- 3) The requested modification would not be necessary to permit the passenger to use TSD services for their intended purpose in a nondiscriminatory fashion.

- 4) Granting a request for modification would cause an undue financial and administrative burden. (Applies only to recipients of Federal financial assistance).
5. In determining whether to grant a requested modification, TSD or the paratransit provider will use the guidelines provided in the DOT 49 CFR, Appendix E to Part 37 realizing that Appendix E is neither exhaustive nor exclusive and that reasonable modification applies to the policies of the TSD and not regulatory requirements contained in 49CFR Parts 27, 37, 38 and 39.
6. For any denial of a reasonable modification, TSD or the paratransit provider, will take to the maximum extent possible, any other action (that would not result in a direct threat or fundamental alteration) to ensure that the individual with a disability receives the services provided by TSD.
7. An individual who is not satisfied with the response from TSD or the paratransit provider, regarding a reasonable modification request or who has been denied a requested modification is entitled to file a formal written complaint with TSD through our complaint procedure available on the TSD website, www.goldcountrystage.com or through our office. The complaint procedure is included at the end of this document. TSD will make good faith efforts, upon request, to provide complaint procedures and forms to individuals with disabilities who do not have access to the internet and/or are in need of alternative formats.

COUNTY OF NEVADA DEPARTMENT OF PUBLIC WORKS, TRANSIT SERVICES DIVISION,

COMPLAINT PROCEDURE FOR INDIVIDUALS WITH DISABILITIES

The County of Nevada Department of Public Works, Transit Services Division (TSD) is committed to ensuring that no individual with disabilities is excluded from participation in or denied the benefits of its TSD services or programs including individuals who are not satisfied with the response from TSD or our paratransit provider regarding a reasonable modification request or who has been denied a requested modification,

The complaint should be in writing and contain information about the alleged disability discrimination that includes name, address, phone number of complainant and location, date and description of the problem, circumstance or issue. No particular format of the complaint is required; however, TSD provides a Complaint Form that may be utilized by complainants and is included with this document and on our website www.goldcountrystage.com

Alternative means of filing complaints, such as personal interviews, audio recordings or in a format accessible to the complainant is acceptable. It is noted that TSD makes good faith efforts to fulfill accessible format requests and that procurement of formats is dependent on format item and availability, resources and available lead time to secure the format.

All complaints are considered formal; there is no informal process. Complaints must be signed by the complainant or designated representative. Allegations must be based on issues involving disability discrimination. Complaints of disability discrimination may be filed with:

County of Nevada, Transit Services Division
Attn: TSD Manager
950 Maidu Avenue
Nevada City, CA 95959

TSD will review the complaint once it is received. Within 15 calendar days after receipt of the complaint, the TSD Manager or designee will meet with the complainant to discuss the complaint and discuss possible resolutions. Within 15 days of the meeting TSD will respond in writing to complainant, and where appropriate, in a format accessible to the complainant. The response will explain the position of TSD and offer options for substantive resolution to the complaint.

If the TSD response does not satisfactorily resolve the issue, the complainant may appeal the decision in writing, and where appropriate, in a format accessible to the complainant within 15 calendar days after receipt of the TSD response letter. Within 15 calendar days after receipt of the appeal, the TSD Manager, in concurrence with the Director of Public Works, will respond in writing with the TSD final resolution of the complaint.

It is the desire of TSD to resolve all complaints satisfactorily through active collaboration with the complainant.

**COUNTY OF NEVADA DEPARTMENT OF PUBLIC WORKS,
TRANSIT SERVICES DIVISION,**

COMPLAINT FORM FOR INDIVIDUALS WITH DISABILITIES

Please use this form to file a complaint based on disability discrimination in the provision of services, activities or programs offered by the County of Nevada, Department of Public Works, Transit Services Division (TSD). Additional pages may be attached. Alternative means of filing complaints, such as personal interviews, audio recordings or in a format accessible to the complainant is acceptable. It is noted that TSD makes good faith efforts to fulfill accessible format requests and that procurement of formats is dependent on format item and availability, resources and available lead time to secure the format.

SECTION 1 (Please print clearly):

Name: _____
Mailing Address: _____
City, State, Zip Code: _____
Telephone Number: _____ E-mail: _____
Accessible format request? (If applicable) _____

SECTION 2

1) Are you filing this complaint on your own behalf? _____(Yes)_____ (No)
(If you answered yes to this question, go to Section 3)

2) If not, please supply the name and relationship of the person for whom you are complaining:
Name: _____

Relationship: _____
Please explain why you have filed for a third party: _____

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of the third party. _____(Yes)_____ (No)

SECTION 3

1) Location and dates of the circumstances giving rise to your complaint:

2) Please describe the alleged denial of services, activities, programs or reasonable modification request for concluding that the conduct was discriminatory. Please include the name(s) of any witnesses and any supporting data (additional pages may be attached):

3) What type of corrective action or reasonable modification would you like to see taken to resolve your complaint?

I believe the above information is true and correct to the best of my knowledge.

Signature and date required below:

| | |
|--------------------|-----------------------------|
| _____ Signature | _____ Printed Name/ Date |
| _____ Date | |

Please submit this form in person at the address below or mail this form to:

**County of Nevada, Department of Public Works
Transit Services Division
Attention: TSD Manager
950 Maidu Avenue
Nevada City, CA 95959**

530-477-0103 x 1003/ 888-660-7433

TDD # 530-271-2107

FAX: 530-477-7847

E-Mail(s): susan.healy-harman@co.nevada.ca.us OR goldcountrystage@co.nevada.ca.us