



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

DHHS - Social Services Division Board Action

File #: 25-034

Commissioner Brown - DHHS - Social Services Division (ACCESS) - Approval of the ACCESS ADA Policy

STAFF CONTACT

Michael Coone - Assistant Social Services Director - 704-862-6640

BUDGET IMPACT

N/A

BACKGROUND

In October 2024, NCDOT reviewed the ADA Policy for ACCESS, therefore recommending updates.

Updates are as follows:

ADA Policy: updated to reflect adding section 3: Complaints & section 4: Transit Related ADA Investigations, Complaints and Lawsuits, along with the reasonable modification request form must be included within the policy for ACCESS.

The newly revised policy has been reviewed by NCDOT-IMD in December 2024 and now must be approved by the Board of Commissioners based on NCDOT policy.

POLICY IMPACT

N/A

ATTACHMENTS

ACCESS ADA Policy and Procedures

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	JBailey	CBrown	CCloninger	AFraley	BHovis	TKeigher	SShehan	Vote
2025-014	01/28/2025	AF	SS	A	A	AB	A	A	A	A	U

DISTRIBUTION:

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A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS



Gaston County ACCESS Central Transportation Americans with Disabilities Act of 1990 (ADA) Policy and Procedures Date: updated on 12/19/24

Section 1: Plan Statement

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 the Gaston County ACCESS Public Transit System are operated on a non-fixed route basis and the system complies with ADA requirements with respect to such services.

Procedures

It is the policy of Gaston County ACCESS Public Transit System 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 cognitive 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.

"Drivers will announce stops on the deviated fixed routes to ensure that passengers with hearing or visual impairments are properly accommodated and informed throughout their journey."

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, Gaston County ACCESS Public Transit System 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 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.

All passengers are required to wear a seatbelt.

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. *(*Note: lift cycling as part of the pre-trip inspection is not required*

by ADA but is recommended by PTD as a way to comply with the federal ADA requirement that transit system conduct regular and frequent lift checks, sufficient to determine if lifts are actually operative).

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. Respirators and portable oxygen must be sufficiently secured while on the vehicle.

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 the Gaston County ACCESS. 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 reasonable modification of any of these policies to accommodate their disability, they may request such a modification by contacting the Gaston County ACCESS Operations Supervisor at 704 866 3206. The transit system will work with the individual to find an accommodation solution.

Section 2: ADA Notice to the Public

The Gaston County ACCESS Transportation system is in compliance with the Americans with Disabilities Act (ADA). This notice is provided as required by Title II of the Americans with Disabilities Act of 1990. Gaston County does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities, including:

Employment Gaston County ACCESS does not discriminate based on disability in its hiring or employment practices and complies with all Title I regulations.

Effective Communication: Gaston County ACCESS will make every effort to provide a reasonable accommodation upon request for appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in employment, programs, services, and activities.

Facilities, Programs, Policies, and Procedures: Gaston County will make all reasonable modifications to vehicles, facilities, programs, policies, and procedures to ensure that people with disabilities have an equal opportunity to enjoy all programs, services, and activities.

Website Accessibility: Gaston County ACCESS is committed to providing access to our website for individuals with disabilities.

ADA Plan Elements

The Gaston County Transit System's ADA plan includes the following elements

1. Notice to the Public
2. Complaint Procedure
3. Comment Form
4. List of transit related ADA Investigations, Complaints and Lawsuits

Section 3: Complaints

Any person who believes himself/herself or any specific class of individuals to be harmed by failure to comply with ADA regulations may, personally or through a representative, file a written complaint with the Operations Coordinator. A complaint must be filed not later than 180 days from the date of the alleged discrimination unless the time for filing is extended by Gaston County.

It is best to file the complaint as soon as possible after the alleged discrimination and keep a copy of it. Include as many details as possible (who, what, when, where, and so on). Once the complaint is received, the Gaston County ACCESS Transportation will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

Gaston County ACCESS Transportation has the following options for filing the complaint:

Email: Send an email to the Transportation Administrator: Twanna.Littlejohn@gastongov.com

Call: Transportation Administrator at 704-866-3254.

Mail: Print the ADA Comment Form (English)/(Español), complete and send to 816 West Mauney Avenue Gastonia NC 28052

In Person: An ADA Comment Form can be located at 816 West Mauney Avenue Gastonia NC 28052 and/or request through ACCESS transporter.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

Section 4: Transit Related ADA Investigations, Complaints and Lawsuit

	Date (Month, Day, Year)	Summary (include basis of complaint)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

Gaston County ACCESS- Central Transportation REASONABLE MODIFICATION REQUEST FORM

Name of Passenger:

Street Address:

City:

State:

Zip:

Telephone: L _J

Email address:

Advocate Name:

Relationship to passenger:

Telephone: L _)

1. Describe the service policy or program that may need to be modified to allow the passenger full access to the transit service provided.

2. How does the current service policy or program prevent the rider from using the transit service program?

3. Please describe the specific modification to the current policy/procedure that you are requesting.

4. How would you like the (transit agency) to respond to your request?

☐ D in writing to the address provided above ☐ D by email

If further communications regarding this request are needed in an alternate format, please indicate the appropriate format below: ☐ D large print (font size: --- ☐ D Spanish

This form can be requested in large print or Spanish by calling 704-866-3206_ TTY 1-800-735-2962 or emailing Twanna.Littlejohn@gastongov.com

Please send the completed forms and any required documentation of disability to:
(title of designated person and his/her address) Gaston County ACCESS- Transportation
Administrator 816 W Mauney Ave Gastonia, NC 28052

Electronic versions of the completed form and scans of required documentation of disability should be sent to (email address).

(Name of Transit Agency) Gaston County ACCESS- Central Transportation will provide a written response to your Request for a Reasonable Modification within (7) days of its receipt.