

AMERICANS WITH DISABILITIES ACT PLAN

Including policies regarding General ADA Requirements, Reasonable Modifications,
No Shows, and a Suspension Appeals Process

for

Hilltown Community Development Corporation

Approved by:

Hilltown Community Development Corporation's Board of Directors

Date Approved:

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ADA Contact Information

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I. Introduction and Purpose

The Americans with Disabilities Act of 1990 (ADA) requires that individuals with disabilities receive the same level of service as non-disabled individuals. Services that are "separate but equal" are not acceptable. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and any applicable state laws and regulations. Hilltown Community Development Corporation operates a demand-response service and complies with ADA requirements with respect to such services.

ADA Policy Statement

It is the policy of Hilltown Community Development Corporation to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. 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 the following goals:

1. Provides safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. Expedites the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
3. Accommodates a 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:

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Fixed Route Service: Operates along a prescribed route according to a fixed (regular) schedule.

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Securement Area or Station: A designated location for riders using wheelchairs, equipped with a securement system.

Securement Device, Equipment or System: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been 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.

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.

II. General Guidance and Procedures for Implementing Policy

Recruitment and Employment

As stated in the transit system's personnel policies, the agency is an Equal Opportunity Employer (EOE) 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 and requirements of the State of Massachusetts. If state requirements do not meet federal requirements, the federal ADA regulations prevail.

Vehicle and Route Assignment

- All demand response vehicles operated by Hilltown Community Development Corporation are accessible and persons with disabilities, including wheelchair users, can board any vehicle. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs.
- The demand response system of Hilltown Community Development Corporation, when viewed in its entirety, is accessible. All trips by wheelchair users will be assigned to accessible vehicles. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. Trip denials will be tracked by whether or not a rider requires use of the lift or ramp, to monitor that service is not disproportionately denied to individuals with disabilities because an accessible vehicle is not available. Hilltown Community Development Corporation provides demand response rural public transportation and provides equivalent service to individuals with disabilities, that is

consistent with U.S. DOT ADA regulations under 49 CFR Part 37, Section 37.77. This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided 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

Boarding

Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. Passengers may board facing toward or away from the vehicle.

Seat Belt Usage

When riding in a Hilltown Community Development Corporation vehicle, seat belts and shoulder harnesses:

- are recommended but not required for passengers riding in their secured wheelchair.
- are required for ALL passengers.

Driver Assistance

Drivers will make themselves available to assist individuals with disabilities and will assist upon request of the passenger.

Accommodation of Other Mobility Devices

Mobility devices that are not wheelchairs, but which are primarily designed to for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant securement area can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Accommodation of Portable Oxygen

Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C.

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. Hilltown Community Development Corporation does not impose species or breed restrictions. However, any animal which is not under the passenger's control, or which becomes a direct threat to the health or safety of other passengers may be restricted from riding. Emotional support animals or "comfort animals" are not service animals within the context of the US DOT ADA regulations.

Alighting

It is the responsibility of the driver to determine that the location for passenger alighting is safe.

Rider Information

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

Personal Care Attendants

Under the ADA, an agency cannot require a passenger to have a personal care attendant (PCA). If a PCA accompanies a passenger, the PCA will ride free of charge. A family member or friend is not considered a PCA, unless that individual is acting in that capacity.

Stop Announcements

- Hilltown Community Development Corporation does not operate a deviated-fixed route.
- Hilltown Community Development Corporation operates a deviated-fixed route service. As such, stop announcements and route identification announcements are made at transfer points, major intersections, destination points, intervals along the route sufficient to orient passengers to their location, and any stop request as is required.

Systems that operate a deviated-fixed route will:

- Make stop announcements using an automated system but ensure that drivers are trained to make announcements in the case of system failures.

Train drivers to verbally make stop and route identification announcements in a clear and concise manner in order to adequately assist clients who may have a disability that prevents them from otherwise recognizing stops and/or routes.

Complaint Procedure

All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the Executive Director and promptly and objectively investigated. Complaints are also be submitted to the state DOT Civil Rights Office.

Hilltown Community Development Corporation will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment.

Documentation of each complaint will be kept on file for a minimum of one year, and a summary of all complaints will be kept for at least five years. This meets DOT regulations that require FTA grantees to maintain all complaints of noncompliance with 49 CFR Part 27 for one year, and a record of all such complaints, which is permitted to be in summary form, for five years.

Reasonable Modification Policy

The purpose of the reasonable modification policy is to ensure that Hilltown Community Development Corporation offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

This policy applies to all safety-sensitive transportation vehicle operators including full, part time and those staff that may be required to operate the vehicle. For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term “reasonable modifications” as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

Hilltown Community Development Corporation is committed to providing equal access and opportunity to individuals with disabilities in all programs, services and activities. Hilltown Community Development Corporation recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Hilltown Community Development Corporation will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. Hilltown Community Development Corporation does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Hilltown Community Development Corporation will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No 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 Hilltown Community Development Corporation, or be subject to discrimination by Hilltown Community Development Corporation.

A reasonable modification is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities. Hilltown Community Development Corporation will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for individuals with disabilities, unless:

- ◆ Making 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 is able to fully use Hilltown Community Development Corporation's service without the accommodation being made.
- ◆ Making the accommodation creates an undue financial burden on the transit system.

ELIGIBILITY CRITERIA

An individual is eligible to be considered to receive a reasonable modification if that individual has:

- ◆ A physical or mental impairment that substantially limits one or more of the major life activities of such individual
- ◆ A record of such impairment
- ◆ Or has been regarded as having such impairment.

REQUESTS FOR REASONABLE MODIFICATION

Hilltown Community Development Corporation shall make information about how to contact Hilltown Community Development Corporation to make requests for reasonable modifications readily available to the public through its website, brochures, and other rider policy guidelines. Hilltown Community Development Corporation shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe the modification to service needed in order to use the service.
- b. Individuals requesting modifications are not required to use the term "reasonable modification" when making a request. Personnel at Hilltown Community Development Corporation will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Hilltown Community Development Corporation requests that individuals make such requests for modifications before Hilltown Community Development Corporation is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance (*e.g.*, because of a condition or barrier at the destination of a paratransit, demand response, or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with Hilltown Community Development Corporation's management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made. The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

INTERACTIVE PROCESS

When a request for accommodation is made, Hilltown Community Development Corporation and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the Hilltown Community Development Corporation must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

TIME FRAME FOR PROCESSING REQUESTS TO PROVIDE REASONABLE MODIFICATION

Hilltown Community Development Corporation will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Hilltown Community Development Corporation recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

GRANTING A REASONABLE MODIFICATION REQUEST

As soon as Hilltown Community Development Corporation determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, Hilltown Community Development Corporation shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

DENIAL OF REASONABLE MODIFICATION REQUEST

As soon as Hilltown Community Development Corporation determines that a request for reasonable accommodation will be denied, Hilltown Community Development Corporation will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- ◆ The specific reasons for the denial;

- ◆ Any alternative accommodation that may create the same access to transit services as requested by the individual; and
- ◆ The opportunity to file a complaint relative to the Hilltown Community Development Corporation's decision on the request.

COMPLAINT PROCESS

Hilltown Community Development Corporation has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Hilltown Community Development Corporation's website and will be provided to any individual where the Hilltown Community Development Corporation has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a Hilltown Community Development Corporation's Reasonable Modification Complaint Form. Hilltown Community Development Corporation investigates complaints received no more than 30 days after receipt. Hilltown Community Development Corporation will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Hilltown Community Development Corporation may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Hilltown Community Development Corporation.

If Hilltown Community Development Corporation is not contacted by the complainant or does not receive the additional information within 30 business days, the Hilltown Community Development Corporation may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After Hilltown Community Development Corporation investigates the complaint, a decision will be rendered in writing to the complainant. Hilltown Community Development Corporation will issue either a Letter of Closure or Letter of Finding.

- ◆ **Letter of Finding** – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Hilltown Community Development Corporation to address the complaint.
- ◆ **Letter of Closure** – This letter will explain why Hilltown Community Development Corporation has determined that the complaint does not

merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of Hilltown Community Development Corporation, an opportunity to appeal the decision may be pursued provided the complainant files notice of appeal within 21 days of the initial decision of Hilltown Community Development Corporation.

In the event of appeal, the complainant will be granted all due process, including the ability to be present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

DESIGNATED EMPLOYEE

Hilltown Community Development Corporation shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Ed Pelletier, Transportation Coordinator
Hilltown Community Development Corporation
387 Main Road, PO Box 17, Chesterfield MA, 01012
413-296-4232

RECORD RETENTION

Hilltown Community Development Corporation will maintain all records related to reasonable modification requests and denials for at least three (3) years.

Suspension Appeals Process

A suspension may result from violations of passenger behavior rules or for other inappropriate or disruptive behavior. Regardless of the reason for suspension, each passenger has a right to appeal the decision through an appeals process.

Appeals must be submitted in writing to Ed Pelletier, Transportation Coordinator, by mail at 387 Main Road, PO Box 17, Chesterfield MA, 01012, or by email at Email Address Here within 14 days of notification of suspension. All passengers will be permitted to continue using service during the appeals process. Hilltown Community Development Corporation management will inform all schedulers/dispatchers that the suspension is pending an appeal and to allow service to continue for the affected passenger.

An Appeals Committee comprised of a mixture of passengers, members of the community, local officials, and transit personnel will review all applicable information from Hilltown Community Development Corporation and the involved passenger. All passengers will be offered the opportunity to speak directly with Committee members and/or the Transit Manager regarding the submitted appeal and/or circumstances that led the suspension and subsequent appeal.

After a thorough review of all available information and testimony, the Appeals Committee will have 72 hours in which to issue a recommendation to sustain or reverse the suspension. The Committee recommendation will be forwarded to the Transit Manager for final review and implementation.

The Hilltown Community Development Corporation administration will have three (3) days to issue a final suspension decision in writing to the passenger involved. All final decisions will be implemented within seven (7) days of passenger notification.

All communications will be made available in alternate format upon request.

ADA/Title VI Complaint Form

Background

This form is used for both Title VI and Americans with Disabilities Act (ADA) complaints.

The Civil Rights of 1964 (Title VI) identifies the three classes protected by Title VI—race, color, and national origin—and allow the complainant to select one or more of those protected classes as the basis/bases for discrimination. If any of the Limited English Proficient (LEP) populations in our service area meet the Safe Harbor threshold, then the procedure will be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold.

The Americans with Disabilities Act of 1990 (ADA), provides protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally funded program, service, or activity.

Hilltown Community Development Corporation is committed to providing non-discriminatory service to ensure that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of its services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964 (Title VI) as well as providing protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination as stated in the Americans with Disabilities Act of 1990 (ADA).

If you feel that you have been discriminated against, please provide the following necessary information to facilitate the processing of your complaint. If assistance is required to complete the form, or if you have questions, please do not hesitate to call the ADA/Title VI Coordinator at 413-296-4536 x 116. **Once completed, return a signed and dated copy to:**

Ed Pelletier, Transportation Coordinator
387 Main Road, PO Box 17, Chesterfield MA, 01012

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please call 413-296-4536 x 116.

Please check one of the following below:

ADA Complaint or **Title VI Complaint**

Part I.

Name: _____

Address: _____

Telephone: _____

Email Address: _____

Additional Formats Needed:

- None TDD
 Large Print Audio Tape
 Other

Part II.

Are you filing this complaint on your own behalf?

- Yes – Proceed to Part III
 No – Please provide the name of and your relationship with this person:

Name of Individual: _____

Your Relationship: _____

Please explain why you have filed for a third party:

Confirm:

- I have obtained permission of the aggrieved party to file this form on his or her behalf.
 I have not confirmed permission to file this form on behalf of the aggrieved party.

Part III.

I believe the discrimination I experienced was based on:

<u>Title VI</u>	<u>ADA</u>
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<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin	<input type="checkbox"/> Disability
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Other: _____

Date of the alleged discrimination: _____

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses.

Part IV.

Have you previously filed an ADA and/or Title VI complaint with this agency?

- Yes
 No

Part V.

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

- Yes
 No

If yes, check all that apply:

- Federal Agency Federal Court
 State Agency State Court
 Local Agency

Please provide the contact information for a person at the agency or court where the complaint was filed:

Name: _____
Title: _____
Agency: _____

Address: _____

Telephone: _____

Email: _____

Part VI.

Name of agency complaint is against: _____

Contact person: _____

Title: _____

Telephone number: _____

Important Notice: To protect your rights, your complaint must be filed within 180 days following the date of the alleged discrimination. Failure to file within 180 days may result in dismissal of the complaint. You may attach any additional written materials or other information that you think is relevant to your complaint to this form.

Signature and date required below.

Signature of Person Filing Complaint

Date