



**NIAGARA COUNTY RURAL TRANSPORTATION RIDER'S
GUIDE**

Niagara County's Connect Niagara in conjunction with our third party operator, Niagara Falls Coach Lines, Inc., provides a vital public service for rural transportation. Our goal is to ensure that rural transportation services are delivered safely, effectively, and efficiently in a manner that safeguards the public and protects its employees from risks posed by inappropriate passenger conduct.

The American with Disabilities Act (ADA) protects the rights of individuals with disabilities when riding public transit systems. However, much misunderstanding exists regarding the nature of those rights. Some riders with disabilities assume that the ADA offers special privileges that, in reality, it does not. It is important that you understand your rights under the ADA. It is equally important that you understand what the ADA does not cover.

There is nothing in the ADA that says public transportation must be provided. The ADA only requires that where public transportation does exist, it be operated in a non-discriminatory manner.

The ADA is a very complex, comprehensive piece of civil rights legislation so it is not possible to tell you everything about the ADA in this guide. Please contact one of the resources listed in the back of this guide for additional information and assistance.

WHAT IS FIXED ROUTE SERVICE?

The ADA has a variety of requirements designed to increase the accessibility of fixed route systems. Fixed route services include, but are not limited to, bus systems, light rail and rapid rail (subway systems) on which a vehicle is operation along a prescribed route according to a fixed schedule.

WHAT IS A ROUTE DEVIATION?

Connect Niagara will deviate from the route, no more than three-quarters of a mile to get to any individual who cannot get to a scheduled stop. Call Niagara Falls Coach Lines, Inc. for reservation by the end of regular business hours of the day before the ride is needed at (716) 282-8544. There is an additional fee of \$2.00 for a route deviation.

PLANNING YOUR RIDE

Public Transit systems must make information regarding their services and schedules available to people with all types of disabilities. Therefore, you are entitled to have written schedules and service information available in an accessible format which you are able to use.

FARES AND PERSONAL ATTENDANTS

The ADA states that riders with disabilities cannot be charged any additional fees beyond the usual fares for fixed route travel. The current fare is \$2.00. For a route deviation, the additional \$2.00 is charged.

When riders choose to travel with a professional attendant, the ADA does not require free fares for those attendants on fixed routes, although some public transit operators fixed route services do offer this benefit.

PROHIBITED ACTIVITIES

- Smoking
- Consuming food and beverages
- Operation of a radio, compact disc player, MP3 player, video player or sound emitting device
- Carrying of any substance or material emitting a foul smell or releasing noxious fumes
- Carrying of any corrosive material or soiling substance
- Laying down across seats
- Interfere with the safe operation of the vehicle, and/or the free movement of passengers
- Throw, propel or discard any object or substance from a transit vehicle
- Strike or hit a transit vehicle, stop or cross in front of a transit vehicle for the purpose of stopping the transit vehicle.
- Engagement in harassment or intimidation through a course of conduct, including violent, threatening or disruptive behavior or conduct

PASSENGER EXPECTATIONS

Connect Niagara in conjunction with our third party operator, Niagara Falls Coach Lines, Inc., may refuse to provide service to any customer who engages in violent, seriously disruptive, illegal conduct, and customers that pose a direct threat. Examples include, but are not limited to the following:

- Serious health related conditions or conduct impacting public health
 - Examples include but are not limited to insect infestation, TB or other contagious conditions, spitting, urinating/defecating, discharge of bodily fluids
- Open Sores and Wounds
 - An open sore or wound may include, but is not limited to a medically related opening which creates leaking or discharge of bodily fluid or an injury that causes an external break in body tissue.
 - Wounds must be properly dressed and leakage/discharge must be controlled to prevent the threat of transmission of biohazards to transit personnel and other customers.

PROHIBITED ARTICLES

Articles which, because of their size or nature of content, may be dangerous to passengers and/or drivers, are not allowed on the bus. Examples are:

- Illegal drugs
- Weapons, including but not limited to knives and guns
- Flammable or combustible materials or other dangerous substances such as gasoline, kerosene, and propane.
- Open containers of alcohol

BAGGAGE

- Allow baggage to be transported on bus, as long as it can be stowed under passenger's seat.

RESPIRATORS AND PORTABLE OXYGEN

You are permitted to bring a respirator or portable oxygen supply on board transit vehicle if you need it. The Department of Transportation rules on the transportation of hazardous materials allow for the use of respirators and portable oxygen supplies and public transit provider cannot prohibit these devices.

SERVICE ANIMALS

A service animal is allowed to board with a passenger with a disability. A service animal is defined as an animal that is individually trained to perform a specific task for a person with a disability. Service animals include, but are not limited to, animals that guide individuals who are blind, that alert individuals with hearing disabilities, that pull wheelchairs or carry and pick up things for persons with mobility disabilities, that assist a person who has difficulties with balance, or that alert an individual of an oncoming seizure. Comfort or therapy animals which are used solely to provide emotional support are generally not considered service animals under ADA.

The transit provider cannot require that a person with a disability provide evidence of certification or any identification papers indicating the legitimacy of the service animal. In addition, the animal cannot be required to wear a special vest or harness which identifies the animal as a service animal. All service animals and owners must comply with local licensing laws. A service animal must be under control of its owner at all times. To establish that an animal is a service animal a transit provider can ask two questions...

1. Is this a service animal?
2. What task has this been trained to perform?

If a service animal displays any aggressive or seriously disruptive behavior, a transit provider, may require that the animal be removed from the vehicle or facility. Transit providers may exclude any service animal, but not the rider, from vehicles or facilities when that animal's behavior poses a direct threat to the health or safety of others.

MOBILITY DEVICES

Not all wheelchairs and mobility aids will fit on a bus or train. While the accessibility standards for buses and trains are designed to accommodate the majority of power and manual wheelchairs and mobility aids, there will be some that are too large or heavy to fit. A wheelchair is defined by the US Department of Transportation, measures 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied. The present lifts installed on the Connect Niagara buses have weight limits, for both passenger and wheel chair, of 1,000 pounds. Transit riders are not required to provide passengers with personal devices such as wheelchairs or scooters.

LIFTS AND RAMPS ON BUSES

Under the ADA, all buses purchased after August 25, 1990 must be accessible to individuals with disabilities, including individuals with wheelchairs. That means that these buses must be fitted with lifts or ramps, in addition to other accessibility features. The front door of most fixed route buses have stairs or entrances that fold out into

a lift or a ramp. All drivers are required to be trained so that they are proficiently and consistently able to operate the lift or ramp on demand.

There are requirements for maintenance of these accessibility features. It is not sufficient for transit providers to provide features such as lifts and ramps. If these features are not maintained in a manner that enables individuals with disabilities to use them. The Department of Transportation requires a system of regular and frequent checks of lifts, sufficient to determine that they are operable. The first person to discover that a lift is inoperative should not be a passenger stranded at a bus stop.

This requires that accessibility features be maintained in operative condition does not prohibit isolated or temporary interruptions in accessibility due to unexpected circumstances. Snow and ice can often temporarily jam a lift and cause problems resulting in a need for maintenance. Plan accordingly on cold weather days. Just as the buses periodically break down and alternate arrangements must be made to obtain a replacement bus to cover the route, so too, lifts and ramps periodically break down and alternate arrangements must be made for a replacement accessible vehicle to cover the route.

The ADA states that when an accessibility feature such as a lift is out of order, the transit entity must take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. The driver is responsible for making alternate arrangements which would allow the rider to access that transit route.

When a lift or ramp is damaged or out-of-order, the driver must immediately report the lift issues to dispatch and the required repairs must be completed promptly. The affected bus must be taken out of service until repairs are made, unless there are no replacement vehicles available and taking the vehicle out of service will reduce service to the public. If there are not replacement vehicles available, transit providers can keep a vehicle with an inoperable lift in service on the fixed route for three to five days, depending upon the size of the community. At the present time, Connect Niagara's Transportation Provider, does have spare vehicles in the fleet to deploy in the event of a ramp or lift failure. The transit provider will provide alternative service within 30 minutes of when a lift or ramp failure occurs where the headway is greater than thirty (30) minutes and the passenger cannot be served.

Transit systems will sometimes request that a passenger in a wheelchair board the lift facing in a particular direction (backwards or forwards), often claiming their method is safest and most effective for lift functioning. However, the ADA regulations requires lifts to accommodate passengers, facing either direction, and a transit entity cannot require a person in a wheelchair to back his/her chair onto a lift.

If you need assistance utilizing a ramp or lift, the driver is required to assist you, within reason. For example, if you use a manual chair and ask for assistance getting up a steep ramp, the driver must assist you. Operating the controls of your power chair is generally not considered reasonable assistance.

The driver will make every effort to deploy lift and ramp at any stop unless the lift or ramp cannot be deployed, the lift will be damaged if it is deployed or temporary conditions preclude the safe use of the stop by all passengers.

Any passenger with a disability who request the use of a lift or ramp must be allowed to use the lift or ramp. If you can stand and/or walk but have difficulty managing the steps to enter a bus, you can ask for the use of the lift or ramp and utilize it while standing.

Passengers with disabilities must be allowed adequate time to board and disembark from a transit vehicle. This includes a bus operator waiting until a passenger is seated before leaving a bus stop. If you have a mobility

disability or have difficulty maintaining your balance while a bus is moving, ask your bus driver to wait until you are seated before driving away. Drivers are required to honor your request.

PRIORITY SEATING AREA

Priority seating is reserved in all transit vehicles for individuals with disabilities who prefer to utilize that seating. In buses, the priority seating is located in the front of the vehicle. Priority seating areas are designated with appropriate signage. Generally, passengers who have a disability cannot be required to use these priority seating areas if they prefer to sit elsewhere. However, if the priority seating area on a bus is also the securement location used for tying down wheelchairs, passengers using wheelchairs may not occupy the aisle on that bus and maybe required to keep their wheelchair within that designated securement location.

If priority seating areas are occupied by individuals who do not have a disability and a passenger with a disability who needs priority seating boards, operators are required to ask the people occupying the priority seats to move. The ADA does not require the vehicle operator to go any further than asking. If a person who does not have a disability refuse to move from the priority seating, operators are not required to force them to move.

WHEELCHAIR SECUREMENT ON BUSES

The ADA requires that securement systems be made available on buses to restrain common wheelchairs in a way that limits the movement of an occupied wheelchair or mobility aid, under normal vehicle operating conditions.

All buses over 22 ft. in length must have at least two securement locations for wheelchairs. Buses that are 22 ft. in length or less only need one securement location. Securement areas on buses are often located within the priority seating area, but not always.

Riders using wheelchairs can decide if he/she wants to use the securements. Drivers must provide assistance to all individuals who use wheelchairs who request assistance with securements and drivers must be trained so that they are proficiently and consistently able to attach securements on demand. The ADA requires that the driver uses her best effort to restrain wheelchairs, given the available securement technology and the nature of the wheelchair. A transit provider may not deny transportation to you if your “common wheelchair” cannot be secured or restrained by a vehicle’s securement system to the driver’s satisfaction.

The ADA also requires that a seat belt and shoulder harness be made available for each securement location. These are mounted to the inside of the bus and serve the same function as seat belts in an automobile. While many wheelchairs are equipped with their own “seat belt”, those are intended only to keep you from falling out of your wheelchair and will not provide any safety function. If a passenger who uses a wheelchair requests a seat belt and shoulder harness, it must be provided. A transit provider cannot require a passenger in a wheelchair to use a seat belt and shoulder harness unless passengers who do not have disabilities are also required to use these restraints. A seat belt and shoulder harness must never be used unless the wheelchair is also secured and must not be used instead of the securement system. Wheelchair users are only required to wear a seat belt when all other riders are required to wear a seat belt.

REASONABLE MODIFICATION/ACCOMMODATION

Connect Niagara makes provisions to ensure that each passenger gets from his/her point of origin to his/her point of destination. Operators are required to escort clients to and from the Rural Niagara vehicle when a client requests such assistance, unless doing so would create a direct and immediate threat to the health or safety of others.

Customers may also request a reasonable modification to Niagara County Rural Transportation's policy and procedures. Connect Niagara/Niagara Falls Coach Lines will promptly review and accommodate such request unless doing so would (1) cause a direct threat to health or safety of others (including the Operator but excluding the client making the request), (2) result in a fundamental alteration of service, and (3) create an undue financial and administrative burden to Niagara County. Such requests may be made in-person or by telephone, e-mail or other form of correspondence.

Operators are not permitted to carry packages, operate any motorized mobility aids, or leave the Rural transportation vehicle unattended except to escort a client to and from the Connect Niagara vehicle.

STOP ANNOUNCEMENTS

The operator of buses, light rail, and rapid rails vehicles must announce, at minimum, all transfer points, major intersections, destination points, and other intervals along a route sufficient to permit individuals with visual or cognitive disabilities to be oriented to their location. In addition, the operator is required to announce any stop upon request of an individual with a disability. These announcements must be loud enough to be heard by passengers and they must be clearly understandable.

DISEMBARKING

Passengers using the lift or ramp must be permitted to disembark at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the transit provider, make the stop unsafe for all passengers. Examples of temporary conditions might include construction, an accident, or a landslide. The transit provider cannot declare a stop off limits to persons with disabilities when it is used by other passengers.

SUSPENSION OF SERVICE

A transit provider is entitled to refuse to provide service to an individual with a disability who engages in violent, seriously disruptive or illegal behavior. All riders are prohibited from interfering with the safe operation of the transit vehicle. Failure to abide by this may result in service suspension. (1st Offense = 10 day suspension; 2nd Offense = 30 day suspension; 3rd Offense = 6 months suspension)

COMPLAINT PROCEDURES AND ENFORCEMENT

A public transit service that receives federal financial assistance and employs 15 or more persons is required to establish procedures for the prompt and equitable resolution of complaints related to discriminatory action. Your first course of action to resolve any ADA complaint should always be to pursue your transit agency's complaint procedure to allow them an opportunity to resolve the matter.

If you have exhausted your transit agency's complaint procedures, there may be other local options for pursuing resolution. If your transit agency is part of your city or county government and that city or county government has 50 or more employees, under Title II of the ADA they are required to an ADA coordinator designated to oversee Title II compliance. Asking to speak with the ADA coordinator may be helpful.

Any complaints related to ADA can be directed to the Niagara County Human Resources Department, located at 111 Main Street, Lockport, NY 14094. The complaint form is attached at the end of this guide or on the County's website. The Human Resources Department will then respond within 72 hours of receipt of the ADA complaint. The NYSDOT Public Transportation Bureau will also be notified within 72 hours of receipt of any ADA complaint.

All Title VI and ADA complaints will be retained for one (1) year and a log of all complaints will be maintained for five (5) years.

HELPFUL TIPS

- Be a good communicator. Talk to the operator about your needs.
- Know the name of the stop where you are disembarking, the name of the stop before yours and the name of the stop after yours. This will assist you with orientation.
- Take a practice ride and make your first trip when you are not pressed for time.
- Tell your operator as soon as possible if you would like to use the lift or ramp or if you require the use of the priority seating.
- If you have difficulty stepping up into the bus, ask the driver if the lift could be deployed
- As you are boarding, tell your operator where you are getting off. If you use a wheelchair, this will assist your operator to properly position the bus to deploy the lift or ramp. If you have a visual or cognitive disability, the operator can ensure that you get off at the correct stop.
- As you are boarding, ask for needed stop announcements.
- Tell your driver as soon as possible if you would like assistance securing your wheelchair. Don't attach securement straps to your battery, wheels or leg rests, as they can be pulled off or damaged.
- Strollers must be folded and stored out of the aisle of the vehicle.
- Do not leave your belongings unattended. If you find an unattended package, please report to the driver immediately.

RESOURCES

1. DBTAC National Network of ADA Centers – The Disability and Business Technical Assistance Centers (DBTAC) are a national network of 10 regional centers that provide technical assistance and information regarding the Americans with Disabilities Act. www.adata.org
1-800-949-4232 (voice/TTY)
2. Federal Transit Administration – The FTA is responsible for civil rights compliance and monitoring to ensure nondiscriminatory provision of transit services.
www.fta.dot.gov/ada
1-888-446-4511 (voice) 1-800-877-8339 (TTY)
3. US Department of Justice – the DOJ is the enforcement agency for Title II of the ADA which covers state and local governments. They may be appropriate to contact regarding broader ADA issues in relation to accessing programs of local governments.
www.ada.gov
1-800-514-0301 (voice) 1-800-514-1383 (TTY)

4. Easter Seals Project ACTION- Project ACTION promotes cooperation between the transportation industry and the disability community to increase mobility for people with disabilities under the ADA and beyond. They offer numerous resources, as well as training and technical assistance.

www.projectaction.easterseals.com

1-800-659-6428 (voice) 1-202-347-7385 (TTY)

5. Disability Rights Education and Defense Fund (DREDF) – DREDF is a leading national civil rights law and policy center that works to advance the civil and human rights of people with disabilities through legal advocacy, training, education and public policy and legislative development.

www.dredf.org/transportation

1-800-348-4232 (voice/TTY)

Free language assistance services (translation and interpretation) are available by calling 716-439-7244.

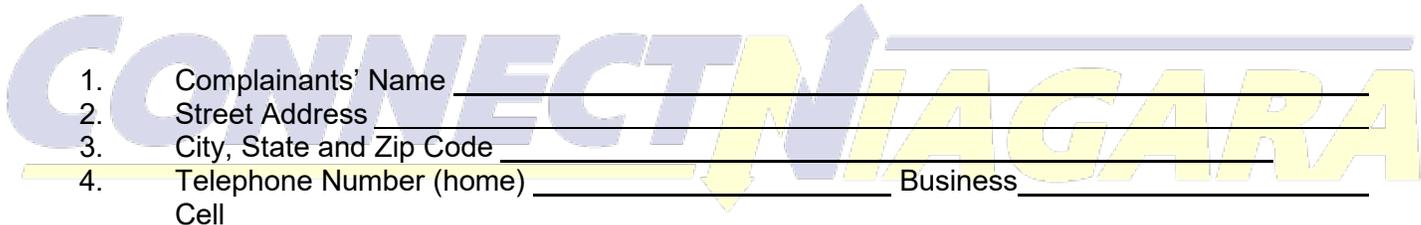


APPENDIX A – ADA/TITLE VI COMPLAINT FORM

Title VI and Americans with Disabilities Act (ADA) Complaint Form

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” Americans with Disabilities Act (ADA) of 1990 prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications and access to state and local government’ programs and services.

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please contact (716) 438-4068.



1. Complainants' Name _____
2. Street Address _____
3. City, State and Zip Code _____
4. Telephone Number (home) _____ Business _____
Cell _____

5. Person discriminated against (if someone other than the complainant)
Name _____
Address _____
City, State and Zip Code _____

6. Which of the following best describes the reason you believe the Discrimination took place? Was it because of your: (check reason)

a. Race/Color _____ c. Age _____
b. National Origin _____ d. Disability _____

7. What date did the alleged discrimination take place and the location?
Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

8. 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

9. Please provide information about a contact person at the agency/court where The complaint was filed.

Name _____

Address _____

City, State and Zip Code _____

Telephone Number _____



Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant's Signature

Date

Please submit completed complaint form to:

Peter Lopes, HR Director/Title VI Coordinator
Niagara County Human Resources Department
111 Main Street, Suite G2
Lockport, NY 14094

Phone: 716-438-4068

Fax: 716-438-4077

Email: peter.lopes@niagaracounty.com