



Elko County Transit Department  
 GET (Greater Elko Transit) My Ride  
 540 Court Street, Elko, NV 89801  
 Call: (775) 777-1428 • Text: 775-557-7885 • Email: elkotransit4@gmail.com

# ADA of 1990 ADA Policy and Procedures

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## INTRODUCTION AND PURPOSE

This ADA policy is written to establish operating/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 applicable laws and regulations. Elko County Transit Department (GET (Greater Elko Transit) My Ride program) operates a demand response service. Elko County Transit Department complies with ADA requirements with respect to such services.

## POLICY STATEMENT

It is the policy of Elko County Transit Department to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. Discrimination based on disabilities against any person by transit system employees will not be condoned nor tolerated.

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

- Provide safe, accessible, and dignified services to all persons, including individuals with disabilities.
- Expedite the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
- 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 (beneficiaries).

## DEFINITIONS

### Companion:

A person who accompanies another passenger, sharing the same pickup and destination.

### Demand Response Service (Dial-a-Ride):

Transit mode operating in response to calls from passengers or their agents to the transit operator, who then dispatches a vehicle to pick up the passengers and transport them to their destination.

### 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.

### Egress:

The exit to the property (exit from a driveway or parking lot).



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**Grade:**

A measurement of a slope regarding a landform (slope of driveway) or structure (slope of wheelchair ramp).

**Ingress:**

The entrance to the property (entrance to a driveway or parking lot).

**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:**

An area inside the bus that is a designated location for passengers 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. All wheeled mobility devices, whether powered or manual, will be referred to as a “wheelchair”.

## LIST OF LOCAL TRANSIT POLICIES

All public ridership information can be found at [GETMyRideElko.com](http://GETMyRideElko.com) or [elkocountynv.net](http://elkocountynv.net).

- ADA Policy and Procedure
- Appeals Policy and Procedure
- General Complaint Policy and Procedure
- No-Show and Late Cancellation Policy and Procedures
- Passenger Code of Conduct
- Suspension Policy and Procedure
- Title VI Plan
- Transit Service Information and Instructions
- Ridership Brochure

## 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.



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### **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 the requirements of the State of Nevada. If state requirements do not meet the federal requirements, the federal ADA regulations prevail. Vehicles purchased for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities. The transit system will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

### **Vehicle and Route Assignment:**

All Demand Response Vehicles operated by Elko County Transit Department are accessible to people who have disabilities. Persons with disabilities, including wheelchair users, can board any vehicle.

### **Maintenance of Accessible Features:**

Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventative maintenance program of Elko Transit Department provides for regular and frequent maintenance checks of these features as well as preventative maintenance as recommended by the equipment manufactures. In addition, the lift must be cycled as part of each pre-trip inspection.

### **Inoperative Lifts and Ramps:**

Drivers are required to report lift failures immediately. Vehicles with inoperative lifts will be removed from service and replaced with an accessible vehicle until the inoperative lift is repaired.

### **No-Spare Bus:**

When there is not a spare vehicle and taking the vehicle out of service will reduce service ability, Elko County Transit Department will keep the vehicle in service for up to 5 days from the day on which the lift is discovered to be inoperative.

### **Boarding:**

Drivers and scheduling practices will provide adequate time for a passenger with a disability or mobility aid to board and/or disembark from the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated and seat belted before moving the vehicle. Only a properly trained transit system employee can operate the lift or ramp and secure the vehicle in the securement station. Passengers may load inboard or outboard onto the lift; **however**, the drivers are trained to encourage the passengers to load outboard onto the lift because it is the safest direction for the passenger.

### **Wheelchair (Mobility Device) Accommodation:**

All accessible vehicles meet or exceed the requirements of 49 CFR Part 38. Transportation providers are required to carry a wheelchair and its user, if the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If the vehicle lift and securement area can accommodate a wheelchair (or other mobility device), Elko County Transit Department will transport the device and its user. Walkers (folded) and canes will be left under the control of the passenger or tied down to the bus.

### **Over Lift Capacity:**

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair.



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However, Elko County Transit Department does not require drivers to operate the passenger's wheelchair. The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift.

### **Wheelchair Securement:**

Elko County Transit Department requires that all wheelchairs be secured in a forward-facing position with 4-points of contact, even if the wheelchair is empty. Drivers will not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. In that case, the drivers will secure the wheelchair to the best of their ability and warn the passenger of the dangers of the non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

Securement of wheelchairs is a responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Drivers will listen to and respect the passenger's instructions on how to secure their mobility device if it is safe. Drivers cannot be expected to be familiar with every wheelchair type that may come aboard, and the securement attachment points may differ by wheelchair manufacturer. The passenger may be in the best position to instruct the driver on how to properly secure their mobility device.

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. The wheelchair is not allowed to block the aisle.

In cases where an individual using a wheelchair attempts to board and requires the use of the securement location that is currently occupied by another passenger that is not using a wheelchair, the driver will ask that passenger to allow the individual using a wheelchair to use the securement location.

### **Walker (Cane, etc.) Securement:**

Walkers (folded) and canes will be under the control of the passenger, slid under the seat, or tied down to the vehicle. The wheelchair securement areas can be used for storing larger items while not in use for passengers.

### **Seatbelts:**

Lap belts are installed on every seat, posey belts (external lap belts) are provided for passengers using wheelchairs without a securement system, and three-point harnesses are installed in every wheelchair securement area. GET My Ride requires every passenger use at least a lap belt, or posey belt in the case of passengers with wheelchairs. Passengers using wheelchairs are encouraged but not required to use the three-point harness. Posey belts will never be used instead of independent securement of the passenger's wheelchair.

### **Companion:**

Passengers are welcome to schedule a companion to ride with them during their original request. The companion must share the same pickup and destination as the passenger. The request will be honored only if there is space available on the bus at the time of the trip. Companions will be charged fare according to the fare schedule.



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**Driver Assistance:**

Drivers will make themselves available to assist individuals who have disabilities and will assist upon request of any passenger. Drivers, on behalf of the passenger, will operate vehicle lift and other securement systems on their vehicles.

**Accommodation of Other Mobility Devices:**

Mobility devices that are not wheelchairs, but which are primarily designed for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift securement areas 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 the other passengers.

**Transfer to Fixed Seating:**

All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicle. Drivers may recommend, but never require, wheelchair users to transfer to fixed seating. No waivers are allowed to be required.

**Accommodation of Portable Oxygen:**

Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with the applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR subtitle B, chapter 1, subchapter C. The passenger is responsible to be in control of the portable oxygen containers. Drivers will assist passengers in securing portable oxygen containers.

**Priority Seating:**

Except for the wheelchair securement stations, the transit system does not require any passenger with disabilities to sit in designated seating.

Priority seating for seniors and individuals with disabilities is to be designated by permanent signage in each vehicle. In cases where an individual with a disability requests the use of priority seating that is currently occupied by another passenger, the driver will ask that the passenger move to allow the individual with the disability use of the priority seating. In cases where a wheelchair user requires the use of a securement location, the driver will ask any passenger (including other passengers with disabilities) to vacate their current location.

**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 direct threat to the health or safety of other passengers may be restricted from riding.

**Alighting:**

It is the responsibility of the driver to determine that the location for the passenger alighting is safe and, if applicable, the lift can deploy properly. If the alighting area is not safe for people or for the vehicle, GET My Ride will maneuver to the next safest location, including a service location.



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### **Staff Training:**

All drivers and transit system staff are trained to proficiency in no less than the following areas: defensive driving, operation of the vehicle, the use of accessibility equipment, personnel policy, and the ridership policy.

### **Rider Information:**

All printed informational materials are made available in accessible formats upon request, for example, large print for individuals with a visual disability, as well as accessible electronic formats.

### **Record Keeping:**

Noncompliance complaints will be kept on file for 1 year. All ADA complaints will be kept on file for 5 years.

### **Complaint Procedure:**

All complaints of discrimination based on disability will be forwarded to Abigail Wheeler, Elko County Transit Coordinator and will be promptly and objectively investigated. Elko County Transit Department 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. However, the only thing that will be shared with the passenger, should the allegation be verified, is that the situation has been corrected. ADA Complaint Form (Attachment A) will be available on the Elko County website and through the Transit Department.

### **Reasonable Modification of Policy:**

If a passenger with a disability requires modification of any of Elko County Transit Department's policies and practices to accommodate their disability to use the service, the passenger may request such a modification by contacting Abigail Wheeler, Elko County Transit Coordinator. The transit system will work with the individual to find an acceptable accommodation solution.

Where a request for modification cannot be practicably made and determined in advance, operating personnel (drivers and/or dispatch) will decide whether the modification should be provided at the time of the request. Operating personnel may consult with Elko County Transit Department's management before deciding to grant or deny the request.

Requests for modification of policies and practices may be denied only on one or more of the following grounds.

- Granting the request would fundamentally alter the nature of Elko County Transit Department's programs, or activities.
- Granting the request would create a direct threat to the health or safety of others.
- The roads or property is inaccessible for a bus (will cause it to get stuck or damaged).
- Without the requested modification, the individual with a disability can fully use Elko County Transit Department's services, programs, or activities for their intended purpose.

If Elko County Transit Department denies a request for a reasonable modification, the agency shall take, to the maximum extent possible, other actions (that would not result in a direct threat or fundamental alteration of service) to ensure that the individual with a disability receives the services or benefit provided by Elko County Transit Department.



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## GUIDELINES FOR IMPLEMENTING POLICY SPECIFIC TO DEMAND RESPONSE SERVICES

### **Service in the Most Integrated Setting:**

Elko County Transit Department's demand response transportation service is a shared-ride service. It is the policy of Elko County Transit Department to provide service for individuals with disabilities in the most integrated setting appropriate to the needs of the individual, including providing service to individuals with disabilities on the same vehicles and together with other riders.

### **Service Characteristics:**

All demand response vehicles operated by Elko County Transit Department are accessible. Persons with disabilities, including wheelchair users, can board any vehicle and receive service the same level of service as someone without disabilities.

- **Response Time:** individuals with disabilities are not required to reserve services further in advance than other individuals.
- **Fares:** individuals with disabilities are not charged higher fares than other individuals.
- **Geographic Area of Service:** individuals with disabilities can use the service to travel to and from the same areas as other individuals.
- **Hours and Days of Service:** individuals with disabilities can use the service during the same days and hours as other individuals.
- **Restrictions or Priorities Based on Trip Purpose:** travel by individuals with disabilities is not restricted by trip purpose any more than travel by other individuals.
- **Availability of Information and Reservation Capabilities:** individuals with disabilities have access to the same information and reservations capability as other individuals.
- **Any Constraints on Capacity or Service Availability:** travel by individuals with disabilities is not limited by capacity any more than travel by other individuals.

## PASSENGER ASSISTANCE

### **Service Type:**

Demand response services will be provided on a curb-to-curb (door-to-door upon request and observed need) basis. Elko County Transit Department's drivers will assist passengers with disabilities in boarding and alighting from vehicles and in securing wheelchairs. All drivers who operate Elko County Transit Department services will be proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

### **Prohibited Assistance:**

The staff of Elko County Transit Department will not lift a passenger, leave a vehicle unattended or out of the driver's line of sight, enter a passenger's home, care for service animals, handle the passenger's money (except for fare), handle the passenger's medication, provide personal care attendant (PCA) services, or take actions that would be clearly unsafe.

### **Power Wheelchair:**

Driver assistance for passengers using power wheelchairs and scooters is limited to assisting people align their wheelchair into the securement area. They will not operate power wheelchairs or scooter for passengers, nor will they assist them up or down curbs or stairs.



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**Manual Wheelchair:**

Drivers may assist passengers using manual wheelchairs, including an unoccupied wheelchair, up one curb or stair 6 inches or less, flat, smooth surfaces, and/or grades of 8% or less.

**Inoperable Power Wheelchair:**

Drivers will not assist a passenger in a power wheelchair that is not operating. If the wheelchair becomes disabled while out in the community and there is already a ride scheduled, the passenger will need to call dispatch to make alternative arrangements.

**Safe Path of Travel:**

The driver may assist a passenger from their door and the bus only if there is a safe path of travel, including animals being contained, the pathway being free from debris, and tripping hazards and clear of ice/snow in inclement weather.

**Packages and Personal Items:**

The passenger may bring grocery bags, luggage, or other legal personal items. Drivers may assist with up to 4 items that are 25lbs or less total. The passenger may only use 1 trip to load the items. The passenger should not plan to bring more with them than they (or their PCA) can carry in 1 load. If a passenger is using a mobility device, the groceries cannot be hanging all over/outside the device causing difficulty for the driver to secure it. Delaying the bus will result in a No-Show being assessed to the passenger's record.

**Collapsible Shopping Cart:**

It is strongly suggested that should the passenger plan on getting more than they can carry in one load to bring packages on board in ONE personal, collapsible cart. The passenger should notify dispatch when he/she is bringing their cart to assure that it can be loaded and secured in the vehicle.

**Extensive Assistance:**

If more extensive assistance is needed by the individual than Elko County Transit Department can provide as a provider of public transportation, the individual will be responsible for bringing a companion or finding an alternative transportation option. Staff of Elko County Transit Department will work with the individual and/or their caregiver/social worker to clarify parameters of the assistance that can be provided by the driver and formally document this in a letter sent to the individual.



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## ATTACHMENT A – ADA CIVIL RIGHTS COMPLAINT FORM

Elko County Transit Department (GET My Ride) public transportation program, is committed to providing non-discriminatory service to ensure that no person is excluded from participation in, denied the benefits of, or subjected to the discrimination in the receipt of its services. If you feel that you have been discriminated against based on a disability, please provide the necessary information to facilitate the processing of your complaint. Please submit your complaint to Elko County Transit Department by completing this form. If requested, you will receive a response within 20 business days if you have provided sufficient contact information. For assistance with your complaint, please contact Elko County Transit Department using the information below. Once completed, return form to:

Elko County Transit Department  
 GET (Greater Elko Transit) My Ride  
 Transit Management Coordinator  
 540 Court Street, Elko, NV 89801  
 (775) 748-0359  
[awheeler@elkocountynv.net](mailto:awheeler@elkocountynv.net)

This complaint form only applies to people with disabilities. Other complaint types have different complaint forms. This process is designed to provide you with the opportunity to resolve any issue(s) quickly and effectively as it relates to your ADA civil rights and Elko County Transit Department. Your complaint will be investigated in accordance with Elko County Transit Department’s complaint procedure.

Are you filing this complaint on your own behalf?  Yes  No

If no, why have you filed for a third party? \_\_\_\_\_

What is your relationship to the person for whom you are filing a complaint? \_\_\_\_\_

Please confirm you have permission to submit a complaint on behalf of the third party.  Yes  No

### Service Details

Date of Occurrence: \_\_\_\_\_ Time of Occurrence: \_\_\_\_\_

Pickup Address: \_\_\_\_\_ Drop off Address: \_\_\_\_\_

Scheduled Pickup Time: \_\_\_\_\_ Schedule Drop off Time: \_\_\_\_\_

Vehicle Number: \_\_\_\_\_ Vehicle Name: \_\_\_\_\_

### Please tell us why you are writing us today.

Using the space provided on the next page, please explain as clearly as you can what happened and why you believe you were discriminated against. Use names, contact information, witnesses, dates, and times to describe the situation. You may attach any written materials or other information relevant to your complaint.





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## ATTACHMENT B – CERTIFICATION OF EQUIVALENT SERVICE

Elko County Transit Department (GET My Ride) public transportation program, certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

1. Response Time;
2. Fares;
3. Geographic Service Area;
4. Hours and Days of Service;
5. Restrictions on Trip Purpose;
6. Availability of Information and Reservation Capability; and
7. Constrains on capacity or service availability.

In accordance with 49 CFR 37.77, public entities operating demand responsive system for the general public which receive financial assistance under 49 U.S.C. 5311 or 5307 must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving FTA funds shall also file the certification with the appropriate state program office. Such public entities receiving FTA funds under any other section of the FTA must file the certification with the appropriate FTA regional office. This certification is valid for no longer than one year from its date of filing.

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Name of Authorized Official

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Title

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Signature