Purpose and Goals:

The purpose of this policy is to establish the governing principles for the operation of safe, convenient and cost effective Route Deviation service in La Grande, OR. This policy will comply with and be informed by:

- Title VI of the Civil Rights Act of 1964
- Union County Title VI Plan, October 2017
- Applicable regulations under the Americans with Disabilities Act of 1990
- 49-CFR-Part 27 - Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Assistance
- 49-CFR- Part 37 - Transportation Services for Individuals with Disabilities
- 49-CFR- Part 38 - Accessibility Specifications for Transportation Vehicles
- Union County ADA Paratransit Policy, 2017

Scope of Policy:

The immediate intent of this policy is to guide service delivery on Saturdays in La Grande, OR. However, it has been designed to be applicable to other days and/or jurisdictions. While additional modification would require public process and the formal action of agency governance, nothing in this document should be construed to limit its use to the current adaptation.

Buses and Equipment:

At all times the vehicles deployed for Deviated Route Service will meet or exceed the accessibility standards mandated by 49-CFR-Part 38. All operators will be trained to proficiency on the use of incorporated accessibility equipment.

Area of Service:

The area of service for Route Deviation shall be ¾ of a mile on either side of the fixed route line. To aid the timeliness of the scheduled route, deviations beyond ¼ of a mile will have a separate vehicle scheduled to deliver the trip. In determining origins and destinations eligible for deviation, staff shall incorporate a point-to-point (as opposed to as-the-crow-flies) reckoning using the global position module of the agency's trip reservation software. Google Maps, Open Maps and Mapquest are also acceptable for mobile or in-the-field findings of eligibility.

A map approximating the area of service is contained in Appendix A. However, as a radial (as-the-crow-flies) model it should be used for estimating purposes only.
How to Schedule a Deviation:

A passenger can request a deviation by calling our office at 541-963-BUSS (541-963-2877) a day in advance (by 3:00 pm). There is no limit to the number of deviations a passenger may request. The agency will not prioritize one type of deviation request over another. A trip to the dentist will be given equal priority as a trip to the candy store. There is no limit on who may request a deviation.

Cancellations and No-Show:

A cancellation made an hour or more before the requested deviation is processed at no fault to the rider. A cancellation made less than an hour prior to the scheduled deviation is considered a Late Cancel. If the bus arrives at the agreed deviation point and the passenger is not there it will be recorded as a No Show.

A pattern of Late Cancels may result in suspension of a passenger's deviation request privileges.

The first No Show will result in a written warning from the Transit Assistant Manager. Further no show activity will result in suspension of a passenger's deviation request privileges for at least 30 days (but not longer than 90 days) at the Assistant Manager's sole discretion.

Passengers who have been suspended may appeal to the Transit Manager. In considering an appeal the Transit Manager may interview the rider, bus drivers, witnesses and review satellite and other digital records. The Manager will override or uphold the suspension based on their findings within 7 days of the filing of appeal. Their decision is final.

Dwell Time:

Dwell time in this mode is effectively zero. The bus will wait no longer at a requested deviation point for a passenger to present as ready to ride than it would at a designated bus stop. In this regard, a passenger requesting a deviation should be ready at the agreed origin five minutes prior to the bus's arrival. If the passenger misses the scheduled connection it'll be recorded as a No Show and subsequent deviation requests for the day will be considered cancelled.

With these things in mind, a passenger waiting at a scheduled deviation has the same rights as a passenger at a formal bus stop. The bus and driver will spend whatever time is required to safely board the passenger and his or her mobility devices.

Handling Deviation Requests:

Route Deviation service is considered a Demand Response mode by the Americans with Disabilities Act. As such, it does not require the agency to provide Complementary Paratransit (sometimes called dial-a-ride). However, it is important to the agency that the bus runs on time. At its sole discretion, it may send a general public sedan, minivan (or even a taxi) to facilitate one or more deviation requests rather than taking the bus off route.
**Flag Stops:**

The Route Deviation model is NOT in conflict with the practice of flag stops. However, the route between scheduled bus stops may differ from the published schedule.

For example, a passenger wishing to flag the bus down on the corner of Sixth Street and I Avenue in *Figure 1* would not be in the path of travel if another passenger requests a deviation down Fourth Street.

Whatever the path of travel, the Route Deviation system will honor flag stops at the nearest location where passengers can be safely boarded. However, the exception of Island Avenue from the Fixed Route system still applies. However, for best results, passengers may be best served to wait at a designated stop.

**Legacy Policy:**
The Route Deviation Mode inherits its published route (Appendix B) and much of its functional policy from the Fixed Route system. Among these are:

- Passengers should be at the bus stop (or deviation point) five minutes prior to the scheduled departure time
- Bus fares are the same for designated, route, flex and deviation boardings
- Exact change is required (our drivers don’t make change)
- Passengers are encouraged to cross the street AFTER the bus has pulled away to allow for full view of on-coming traffic in both directions
- Bicycle racks accommodate two bikes (first come, first served)
  - Bike owners load, unload and accept all risks thereof
  - Bicycles are not allowed inside the bus
- We accommodate service animals recognized by the Federal Transit Administration
  - Pets, companion or “comfort” animals do not qualify
- Carry-on items are limited to what the passenger can load and stow independently
  - No items may be left in the aisle
  - No items which cannot be safely stowed (in the driver’s estimation)
  - No hazardous materials (e.g. fuel containers but other examples apply)
- Non-Service Animals must be in a pet carrier
- Public Transit is not responsible for lost or stolen belongings

- Priority seating is for the elderly and people with disabilities
- Cell phones are allowed on the bus but passengers are encouraged to be courteous of other passengers
- Personal music devices are allowed on the bus but ONLY with head phones
- Standees are permitted behind the white line only (no passenger may board a Union County Public Transit vehicle with rollerblades or roller skates)
- Bare feet are not allowed on the bus
- Union County Public Transit reserves the right to entry or to expel any passenger who (in the judgment of UCPT through its operators) interferes with the safe operation of the vehicle

**Durability:**
This policy is intended to be a living document. Having been adopted by agency governance it may be periodically opened for review, revision, public comment and formal modification.

If any provision of this policy is found to be out of compliance with a stronger governing policy, grant agreement, Federal Transit Administration circular or Oregon Administrative Rule, the rest of the policy will remain in full effect while the agency makes the necessary amendments.
Appendix A: Approximation of Area of Service
Appendix C: Reasonable Modification Policy

Purpose

The purpose of the reasonable modification policy is to ensure that Union County Public Transit (UCPT) 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.

Policy

UCPT is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services and activities. UCPT recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. UCPT 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. UCPT 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. UCPT will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of UCPT or be subject to discrimination by UCPT.

Reasonable Modifications

A reasonable modification is a change or exception to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services, and activities. UCPT will make reasonable modifications to policies, practices and procedures when necessary to ensure access to transit services for qualified 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 UCPT’s service without the accommodation being made.

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.
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 been regarded as having such impairment.

Requests for Reasonable Modifications

UCPT shall make information about how to contact UCPT to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines. UCPT shall follow these procedures in taking requests:

a. Individuals requesting modifications shall describe what they need 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 UCPT will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.

c. Whenever feasible, UCPT requests that individuals make such requests for modifications before UCPT 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 UCPT’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, UCPT 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 UCPT 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 and Providing Reasonable Modification

UCPT will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. UCPT 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 UCPT 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, UCPT 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.

Denying a Reasonable Modification Request

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

a. the specific reasons for the denial;

b. any alternative accommodation that may create the same access to transit services as requested by the individual; and

c. the opportunity to file a complaint relative to UCPT’s decision on the request.

Complaint Process

UCPT has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the UCPT’s website and will be provided to any individual where the UCPT 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 UCPT’s Reasonable Modification Complaint Form. UCPT investigates complaints received no more than 30 days after receipt. UCPT 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, UCPT may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Union County Public Transit.

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

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

d.  **Letter of Finding** - This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by UCPT to address the complaint.

e.  **Letter of Closure** - This letter will explain why UCPT 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 Union County Public Transit, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of UCPT.

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

**Designated Employee**

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

**Angie Peters, Public Transit Manager**
Union County Public Transit
2204 East Penn Ave
La Grande, OR 97850
541-663-7144 Ext. 158
angie@ccno.org

**Record Retention**

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