

# **Policies and Procedures**

## **(Please keep for your records)**

### **A. Introduction**

The Regional Transit Authority (RTA) and its private provider(s) of paratransit transportation services are required to comply with all applicable requirements of the Americans with Disabilities Act (ADA) of 1990, including the Federal Transit Administration's ADA regulations (49 CFR Parts 37 & 38), the regulations of the Department of Justice implementing Titles II and III of the ADA (28 CFR Parts 35 and 36), and the regulations of the Equal Employment Opportunity Commission implementing Title I of the ADA (29 CFR Part 1630). Accordingly, the Regional Transit Authority must adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited in the regulations.

### **B. Policy Statement**

It is the policy of the Regional Transit Authority (RTA) to not discriminate against an individual with a disability in connection with the provision of transportation services. Notwithstanding the provision of any special transportation service to individuals with disabilities, the Regional Transit Authority (RTA) shall not, on the basis of disability, deny to any individual with a disability the opportunity to use transportation services provided by the Regional Transit Authority (RTA) for the general public, if the individual is capable of using the service.

### **C. Description of the Eligibility Process**

#### **1. Availability of Application Material**

Applications are available for pickup at the RTA Administrative office and at various social service agencies within the service area. Related materials are available in all accessible formats (large print, Braille, and audio tape upon request). Additionally, applications are mailed upon request.

## 2. Description of Determination Process

All applications for ADA eligibility will be reviewed by RTA staff. The application requires the opinion of a licensed health care provider (physician, rehabilitation counselor, etc.) licensed by the State of Louisiana. Eligibility will be determined by the information provided by the applicant and his/her health care provider. ADA eligibility will not be based upon medical diagnosis or prognosis per se but rather upon the individual's ability or inability to utilize the RTA fixed route system.

If any information contained within the application is omitted, or if information is questionable, the licensed health care provider and/ or the applicant will be contacted for clarification. If afterward, eligibility is uncertain, the ADA Compliance Officer will consult with other health care providers.

Within twenty-one (21) days of receiving a completed application, the RTA shall inform the applicant in writing of its decision. If approved, the applicant will bring the approval letter and State ID or Driver's license to the RTA ID Center in order to obtain the RTA ID card. If denied, the applicant will receive a letter of denial with an explanation of reasons for the finding of ineligibility. This letter of denial will be accompanied by instructions on filing of an administrative appeal. The RTA will require re-certification of ADA paratransit eligible individuals at reasonable intervals.

## 3. Timetable for Processing Applications and the Presumptive Eligibility Process

The RTA will process applications within twenty-one (21) days of submission. Applicants who are not processed (either granted or denied certification) will be granted presumptive eligibility.

## 4. Documentation of ADA Paratransit Eligibility.

Those persons granted eligibility shall be issued the RTA photo ID card to present to the RTA operators. The card includes: 1.) Name of the eligible individual 2.) Name of the transit provider (RTA) 3.) The client's ID number 4.) Expiration date 5.) The use of a personal care attendant.

5. Administrative Appeals Process.

The RTA has established administrative appeals processes through which individuals who are denied eligibility can obtain review of their denial. The RTA requires that an appeal be filed within sixty (60) days of denial. As noted above, if an individual has been determined ineligible for RTA paratransit service, the letter of denial forwarded to the individual will include instructions on filing an appeal.

The administrative appeals process shall include a hearing where the applicant can be heard and present information and arguments. The appeal board will be comprised of three (3) persons not involved in the initial decision to deny eligibility and will be appointed by the General Manager of Transit Management of Southeast Louisiana Inc. or his or her designee. Written notification of the appeals board decision shall be tendered to the appellant in the appropriate accessible format. Written notification of the appeals board decision shall include reasons for its finding.

6. Visitor Policy.

All ADA eligible clients may use paratransit services nationwide for twenty-one (21) days. Your RTA ID card verifies your ADA eligibility. Contact the paratransit provider well in advance of visiting another city and inform them that you plan to use their service as a visitor. Determine if they require anything other than your RTA ID card. Inform RTA eligibility of their requirements so that RTA may provide any additional information needed.

7. Suspension of Service

The RTA will establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA-eligible individuals who establish a pattern or practice of missing scheduled trips.

However, before suspending service, the RTA shall take the following steps:

1. Notify the individual in writing that it proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction;
2. Provide the individual an opportunity to be heard and to present information and arguments; and
3. Provide the individual with written notification of the decision in an accessible format and the reasons for the decision.

Moreover the RTA shall reserve the right to invoke sanctions and/or suspensions for violent, seriously disruptive or illegal conduct. Sanctions and/or suspensions may also be for a pattern or practice of missed trips involving intentional, repeated or regular actions that are isolated, accidental, or singular. Trips missed by an individual for reasons beyond his or her control (including, but not limited to trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice of missing scheduled trips exists. Sanctions and/or suspension will be for a reasonable time period only, and individuals shall be notified in writing of reasons for actions taken by the RTA as well as the date a suspension, if applicable, becomes effective. An individual shall have an opportunity to appeal the decision to impose sanctions prior to sanctions being imposed.