Harney County Dial-A-Ride

Route Deviation Policy

Adopted 06/28/18

June 2018 Edition

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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 Harney County, OR. This policy will comply with and be informed by:

Title VI of the Civil Rights Act of 1964

Harney County Title VI Plan, October 2014

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

Scope of Policy:

The immediate intent of this policy is to guide service delivery in Harney County, OR. 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 ¼ of a mile on either side of the fixed route line. 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 541.573.3030 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.

Cancellations and No-Shows:

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 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 Manager's sole discretion.

Passengers who have been suspended may appeal to the Executive Director. In considering an appeal the Executive Director may interview the rider, bus drivers, witnesses and review satellite and other digital records. The Executive Director will override or uphold the suspension based on his or her findings within 7 days of the filing of appeal. His or her 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.

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

- 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

- 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)
    - 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

- Bare feet are not allowed on the bus

- Harney County Public Transit reserves the right to entry or to expel any passenger who (in the judgment of HCPT 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.

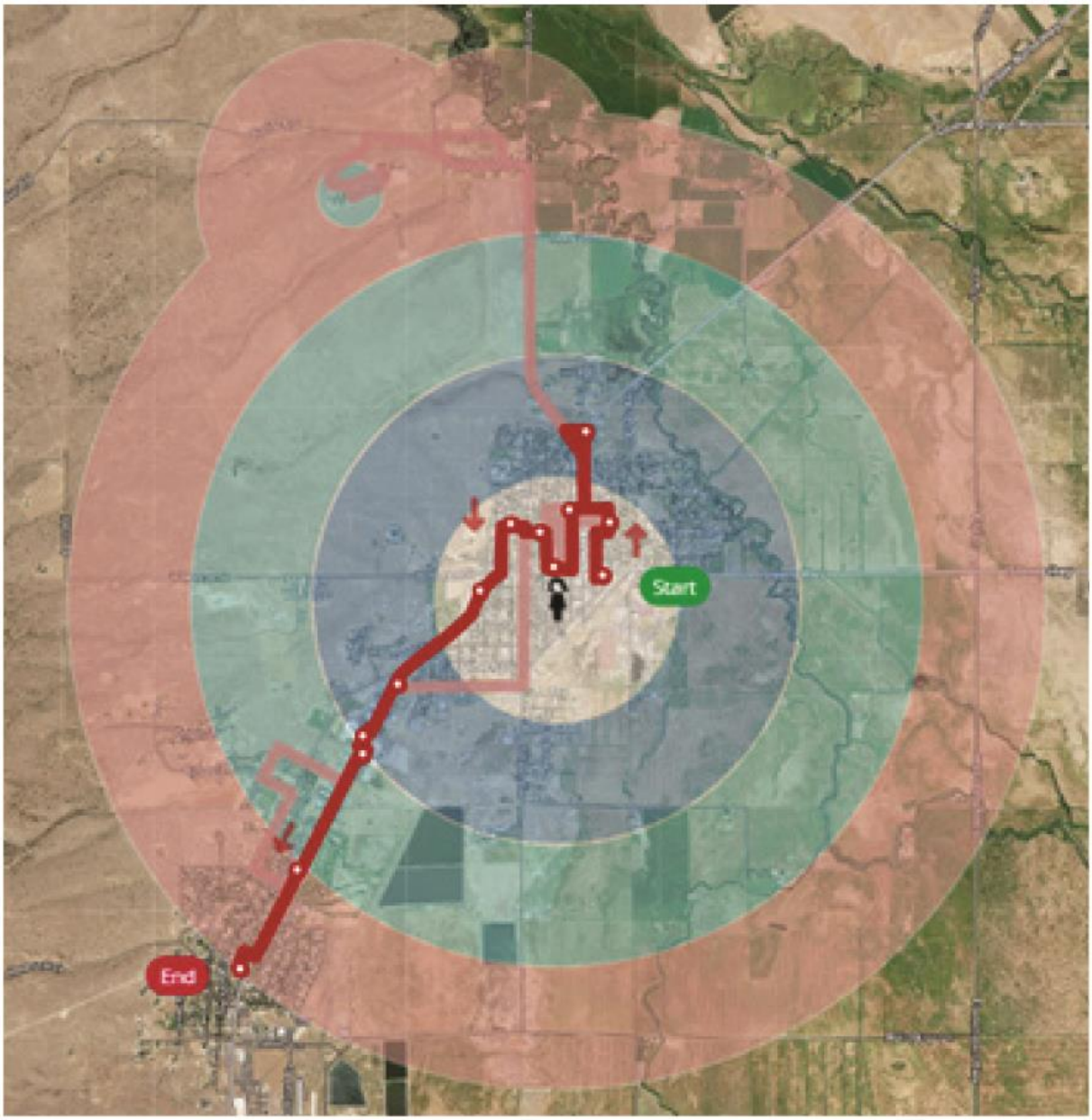
APPENDICES

APPENDIX A: APPROXIMATION OF AREA OF SERVICE

APPENDIX B: PUBLISHED ROUTE MAP

APPENDIX C: REASONABLE MODIFICATION POLICY

Population Service Area



Appendix A: Approximation of Area of Service

Appendix B: Published Route

WEST BOUND ROUTE

	HCSC	Washington Park	Triangle Park East	Paiute Upper	Paiute Lower	Marylhurst Apts	Safeway	Symmetry Care	Health Department	Human Services	Ponderosa Village	BHS/Pool	Big R	BareBones	Hines Park
A	7:00	7:02	7:05	----	----	----	7:07	7:10	7:12	7:13	7:16	7:18	7:20	7:22	7:24	7:26
A & S	8:00	8:02	8:05	----	----	----	8:07	8:10	8:12	8:13	8:16	8:18	8:20	8:22	8:24	8:26
A & S	9:00	9:02	9:05	----	----	----	9:07	9:10	9:12	9:13	9:16	9:18	9:20	9:22	9:24	9:26
A	10:00	10:02	10:05	----	----	----	10:07	10:10	10:12	10:13	10:16	10:18	10:20	10:22	10:24	10:26
S	10:08	10:10	10:13	----	----	----	10:15	10:17	10:20	10:21	10:24	10:26	10:28	10:30	10:32	10:34
A	11:00	11:02	11:05	----	----	----	11:07	11:10	11:12	11:13	11:16	11:18	11:20	11:22	11:24	11:26
S	11:06	11:08	11:11	----	----	----	11:13	11:16	11:18	11:19	11:22	11:24	11:26	11:28	11:30	11:32
A	12:00	12:02	12:05	----	----	----	12:07	12:10	12:12	12:13	12:16	12:18	12:20	12:22	12:24	12:26
A & S	13:00	13:02	13:05	----	----	----	13:07	13:10	13:12	13:13	13:16	13:18	13:20	13:22	13:24	13:26
A	14:00	14:02	14:05	----	----	----	14:07	14:10	14:12	14:13	14:16	14:18	14:20	14:22	14:24	14:26
S	14:08	14:10	14:13	----	----	----	14:15	14:17	14:20	14:21	14:24	14:26	14:28	14:30	14:32	14:34
S	15:06	15:08	15:11	----	----	----	15:13	15:16	15:18	15:19	15:22	15:24	15:26	15:28	15:30	15:32
S	16:00	16:02	16:05	----	----	----	16:07	16:10	16:12	16:13	16:16	16:18	16:20	16:22	16:24	16:26
A	18:00	18:02	18:05	----	----	----	18:07	18:10	18:12	18:13	18:16	18:18	18:20	18:22	18:24	18:26
B	15:00	15:02	15:05	15:11	15:16	15:21	15:24	15:26	15:27	15:30	15:32	15:34	15:36	15:38	15:40	
B	16:30	16:32	16:35	16:41	16:46	16:51	16:54	16:56	16:57	17:00	17:02	17:04	17:06	17:08	17:10	

EAST BOUND ROUTE

	Hines Park	BareBones	Aspen Grove	Rod Davis and Legislative	Big R	Ponderosa Village	Quail Court	Egan & Harrison Ave	Egan and Adams	Court House	Safeway	Chamber of Commerce	Paiute Upper	Paiute Lower	Triangle Park	Washington Park	HCSC
A	7:30	7:32	7:36	7:37	7:39	7:41	7:43	7:45	7:47	7:48	7:50	7:52	----	----	7:54	7:56	7:58
A & S	8:30	8:32	8:36	8:37	8:39	8:41	8:43	8:45	8:47	8:48	8:50	8:52	----	----	8:54	8:56	8:58
A & S	9:30	9:32	9:36	9:37	9:39	9:41	9:43	9:45	9:47	9:48	9:50	9:52	----	----	9:54	9:56	9:58
A	10:30	10:32	10:36	10:37	10:39	10:41	10:43	10:45	10:47	10:48	10:50	10:52	----	----	10:54	10:56	10:58
S	10:36	10:38	10:42	10:43	10:45	10:47	10:49	10:51	10:53	10:54	10:56	10:58	----	----	11:00	11:02	11:04
A	11:30	11:32	11:36	11:37	11:39	11:41	11:43	11:45	11:47	11:48	11:50	11:52	----	----	11:54	11:56	11:58
S	11:34	11:36	11:40	11:41	11:42	11:44	11:46	11:48	11:50	11:51	11:53	11:55	----	----	11:57	11:59	12:00
A	12:30	12:32	12:36	12:37	12:39	12:41	12:43	12:45	12:47	12:48	12:50	12:52	----	----	12:54	12:56	12:58
A & S	13:30	13:32	13:36	13:37	13:39	13:41	13:43	13:45	13:47	13:48	13:50	13:52	----	----	13:54	13:56	13:58
A	14:30	14:32	14:36	14:37	14:39	14:41	14:43	14:45	14:47	14:48	14:50	14:52	----	----	14:54	14:56	14:58
S	14:36	14:38	14:42	14:43	14:45	14:47	14:49	14:51	14:53	14:54	14:56	14:58	----	----	15:00	15:02	14:04
S	15:34	15:36	15:40	15:41	15:42	15:44	15:46	15:48	15:50	15:51	15:53	15:55	----	----	15:57	15:59	16:00
S	16:30	16:32	16:36	16:37	16:39	16:41	16:43	16:45	16:47	16:48	16:50	16:52	----	----	16:54	16:56	16:58
A	18:30	18:32	18:36	18:37	18:39	18:41	18:43	18:45	18:47	18:48	18:50	18:52	----	----	18:54	18:56	18:58
B	15:44	15:46	15:50	15:51	15:53	15:55	15:57	15:59	16:01	16:02	16:04	16:06	16:12	16:17	16:22	16:24	16:26
B	17:14	17:16	17:20	17:21	17:23	17:25	17:27	17:29	17:31	17:32	17:34	17:36	17:42	17:47	17:52	17:54	17:56

This information is available in alternate format. Please dial 541-573-3030 to discuss your needs. To access alternative telecommunication call Oregon telecommunication relay service #711

**Harney County Senior and Community Services Center and Harney County Dial-A-Ride reaffirms its policy of equal opportunity regardless of race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability or status as a protected veteran in accordance with organization policy and applicable federal and state statutes and regulations. HCSC is committed to providing access and reasonable accommodation in its services, programs, activities and employment for individuals with disabilities. To request disability accommodation contact the organization at: 17 S Alder Ave / PO Box 728 Burns, 541-573-6024, angela.lamborn@co.harney.or.us or http://co.harney.or.us/index.php/features/community-business-services/senior-community-services-center

Route Schedule Legend

- **A:** Regular Route
- **B:** Afternoon Extension
- **S:** Saturday Route

Tips for Riding the Bus

- You can catch the bus at any of the stops shown on the schedule.
- Please be ready to pay your fare when you board, with exact cash or a ticket.
- Drivers do not carry change.

WEST BOUND AND EAST BOUND ROUTES

Appendix C: Reasonable Modification Policy

Purpose

The purpose of the reasonable modification policy is to ensure that Harney County Public Transit (HCPT) 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

HCPT is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services and activities. HCPT recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. HCPT 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. HCPT 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. HCPT 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 HCPT or be subject to discrimination by HCPT.

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. HCPT 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 HCPT'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

HCPT shall make information about how to contact HCPT to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines. HCPT 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 HCPT will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.

c. Whenever feasible, HCPT requests that individuals make such requests for modifications before HCPT 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 HCPT'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, HCPT 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 HCPT 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

HCPT will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. HCPT 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 HCPT 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, HCPT 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 HCPT determines that a request for reasonable accommodation will be denied, HCPT 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 HCPT's decision on the request.

Complaint Process

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

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

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

d. *Letter of Finding* – This letter will summarizes the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by HCPT to address the complaint.
e. *Letter of Closure* – This letter will explain why HCPT 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 Harney 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 HCPT.

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

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

Darlene Needham, Public Transit Manager
Harney County Public Transit
17 S. Alder/PO Box 728
Burns OR 97720
541-573-3030
dialaride@centurytel.net

Record Retention

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