

LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
1362 Rutan Court, Suite 100
Livermore, CA 94551

WHEELS Accessible Advisory Committee

Meeting

DATE: **Wednesday, July 1, 2015**

PLACE: Diana Lauterbach Room LAVTA Offices
 1362 Rutan Court, Suite 100, Livermore, CA

TIME: **3:30 p.m.**

AGENDA

	Action Recommended by Staff	
1. Call to Order		3:30
A. Approval of Agenda and Modifications if necessary		
2. Citizens' Forum: An opportunity for members of the audience to comment on a subject not listed on the agenda (under state law, no action may be taken at this meeting)		3:35
3. Welcoming New Members and the Review of By-Laws/Committee Members' Responsibilities	Information	3:40
4. Electing the Chair and Vice Chair	Action	3:50

5. Minutes of May 6, 2015 Meeting of the Committee (please review prior to meeting)	Discussion & Approval	4:00
6. USDOT Reasonable Modification Rule Procedures/Policies Development /16	Action	4:05
7. Establishing Meeting Times for FY16	Information	4:15
8. Dial-A-Ride Operational Issues – Suggestions for Changes	Information	4:20
9. Fixed Route Operational Issues – Suggestions for Changes	Information	4:30
11. PAPCO Report	Discussion	4:40
12. Adjournment	Information	4:45

I hereby certify that this agenda was posted 72 hours in advance of the noted meeting.

/D Stout/

6/24/15

LAVTA Administrative Services Department

Date

On request, the Livermore Amador Valley Transit Authority will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. A written request, including name of the person, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service should be sent at least seven (7) days before the meeting. Requests should be sent to:

*Executive Director
Livermore/Amador Valley Transit Authority
1362 Rutan Court, Suite 100
Livermore, CA 94551
Fax: 925.443.1375
Email: frontdesk@lavta.org*

AGENDA

ITEM 3



WHEELS Accessible Advisory Committee (WAAC)
 Membership Directory for FY 2016 (July 2015 to June 2016)
 As of July 1, 2015

Dublin Representation

<i>Committee Seat</i>	<i>Term</i>	<i>Term Beginning</i>	<i>Term Conclusion</i>
Shawn Costello	2 years	July 2015	June 2017
Connie Mack	2 years	July 2014	June 2016

Livermore Representation

<i>Committee Seat</i>	<i>Term</i>	<i>Term Beginning</i>	<i>Term Conclusion</i>
Russ Riley	2 years	July 2014	June 2016
Nancy Barr	2 years	July 2015	June 2017
Mary Anna Ramos (Alternate)	2 years	July 2015	June 2017

Pleasanton Representation

<i>Committee Seat</i>	<i>Term</i>	<i>Term Beginning</i>	<i>Term Conclusion</i>
Carmen Rivera-Hendrickson	2 years	July 2015	June 2017
Shirley Maltby	2 years	July 2015	June 2017
Glenn Hage (Alternate)	2 years	July 2015	June 2017

Alameda County Representation

<i>Committee Seat</i>	<i>Term</i>	<i>Term Beginning</i>	<i>Term Conclusion</i>
Herb Hastings	2 years	July 2014	June 2016
Sue Tuite (Alternate)	2 years	July 2015	June 2017

Social Services Representation

<i>Committee Seat</i>	<i>Term</i>	<i>Term Beginning</i>	<i>Term Conclusion</i>
Jennifer Cullen	2 years	July 2014	June 2016
Pam Deaton	2 years	July 2014	June 2016
Amy Mauldin	2 years	July 2014	June 2016
Alternate (VACANT)			

PAPCO Representation

<i>Committee Seat</i>	<i>Term</i>	<i>Term Beginning</i>	<i>Term Conclusion</i>
Esther Waltz			

**BYLAWS
OF THE
WHEELS ACCESSIBLE ADVISORY COMMITTEE**

ARTICLE 1

NAME

The name of this committee shall be the “WHEELS ACCESSIBLE ADVISORY COMMITTEE.”

ARTICLE 2

DEFINITIONS

The terms defined in this Article shall have the following meaning:

SECTION 2.1. “LAVTA” refers to the Livermore/Amador Valley Transit Authority, created pursuant to Government Code 6500 et. seq., which provides public transportation services within the cities of Dublin, Livermore and Pleasanton, and portions of unincorporated areas in Eastern Alameda County.

SECTION 2.2. “BOARD OF DIRECTORS” or Board, means the governing Board of LAVTA.

SECTION 2.3. “PARATRANSIT” refers to any form of transportation for persons unable to use fixed route public transit.

SECTION 2.4. “PERSON WITH DISABILITIES” refers to any person whose disability prevents him/her from accessing public transportation pursuant to 49 CFR 37.

SECTION 2.5. “ELDERLY” is defined as any person who is sixty-five (65) years of age or older.

SECTION 2.6. “COMPLEMENTARY PARATRANSIT SERVICE” refers to comparable paratransit service to fixed route transit service as mandated by the Americans with Disabilities Act (49 CFR 37.125).

SECTION 2.7. “LOCAL PARATRANSIT SERVICE” refers to paratransit services that are not mandated by the Americans with Disabilities Act, and that are defined by individual transit operators.

SECTION 2.8. “TRANSPORTATION DEVELOPMENT ACT-ARTICLE 4.5” refers to State funding for paratransit service generated from the ¼ cent sales tax.

SECTION 2.9. “ALAMEDA COUNTY MEASURE B” refers to local funding for paratransit service generated by the one-half percent (0.5%) transportation sales tax in Alameda County.

SECTION 2.10. “AMERICANS WITH DISABILITIES ACT” (ADA) refers to the Federal law which provides equal access to buildings, services and public transportation to persons with disabilities (Public Law 101-336). Among its provision, the ADA mandates that public transit operators provide complementary paratransit service to persons whose impairment(s) prevent(s) them from using regular fixed route transit service.

SECTION 2.11. “COMMITTEE” refers to “WHEELS Accessible Advisory Committee.”

SECTION 2.12. “MEMBER” is defined as a Member of the Committee, who resides in the LAVTA member jurisdictions and represents the interests, concerns and suggestions of the elderly and disabled persons. This person may or may not have disabilities, or who may or may not be sixty-five years of age or more.

SECTION 2.13. “FISCAL YEAR” means the period from July 1 to and including the following June 30.

SECTION 2.14. “FIXED ROUTE SERVICE” refers to service that operates along prescribed routes according to fixed schedules.

ARTICLE 3

GENERAL PROVISIONS

SECTION 3.1. RESPONSIBILITIES

The Committee shall have the following responsibilities:

- (a) Provide a forum to discuss matters relating to LAVTA's fixed route and paratransit system accessibility as they pertain to the elderly and persons with disabilities; and
- (b) Advise the Board of Directors on matters relating to LAVTA's fixed route and paratransit system accessibility as they pertain to the elderly and persons with disabilities.
- (c) To represent the interests of elderly and persons with disabilities who depend upon accessible public transit service(s).

SECTION 3.2. COMMITTEE

- (a) Composition. The Committee shall be composed of ten (10) members. Each city in the LAVTA jurisdiction shall have two members, and the County of Alameda one member, who is a resident in the LAVTA service area. Three members shall be representatives of social service agencies, which are located in and represent people who use or could use transit services in Livermore, Pleasanton and Dublin, and ex-officio members from the connecting transit service providers.
- (b) Alternate. Each City, the County, and social service agency, may have one (1) alternate member.
- (c) Qualifications of Members and Alternates. The members and alternates must be able to demonstrate:
 - (i) That they reside in the City they represent and in the case of the County, they reside in the LAVTA service area. Social services agencies must be located in and serve the residents of LAVTA service area.
 - (ii) Meet regularly during business hours.
 - (iii) Analyze complex issues, reports, etc., and make objective conclusions relating to the issues and reports.

(d) Appointment Process

- (i) LAVTA shall advertise for any vacancy or vacancies on the Committee on LAVTA's website, post notices to the existing riders, and contact relevant social service agencies regarding serving on the committee. LAVTA's Board of Directors selects and approves committee members.
 - (ii) Every interested person shall complete a LAVTA application form.
 - (iii) The process of making appointments of alternate members shall be the same as for regular members.
- (e) Vacancies on the Committee. When there is a vacancy on the Committee, the alternate member shall fill in as an interim member, and, if desired, shall become a full voting permanent member.

SECTION 3.3 TERM OF APPOINTMENT OF COMMITTEE MEMBERS

The term of appointment of each committee member and alternate shall generally be for a period of two (2) fiscal years, unless a one (1) year term is necessary to ensure continuity of membership and avoid all appointments expiring at the same time. Each member shall serve for a maximum of four (4) consecutive terms (i.e. eight (8) consecutive fiscal years). A member may continue to serve for additional consecutive terms beyond the maximum of four (4) consecutive terms (i.e. eight (8) consecutive fiscal years) if no other qualified applicants apply for the open position and the member is willing to serve. The member will be appointed as an Alternate unless there is an opening for a full voting member in their jurisdiction on the committee. The term shall be for one year. When a vacancy occurs, the vacancy will be filled using the procedure described above.

SECTION 3.4. REMOVAL AND RESIGNATION OF MEMBERS

- (a) Appointed members and alternates may be removed automatically from the Committee by the Board of Directors if:
 - (i) The member or alternate is absent for three (3) consecutive regular and/or special meetings;
 - (ii) A member may resign from the Committee by a letter of resignation to the Board of Directors.

SECTION 3.5. COMMITTEE OFFICERS AND THEIR DUTIES

- (a) The Committee shall elect a Chair and Vice Chair from among its members. The Committee Chair and Vice Chair shall not represent the same city.
- (b) The Chair and Vice Chair shall be elected at the last meeting of each fiscal year and assume office at the first meeting of the new fiscal year.
- (c) The Chair shall preside at all meetings of the Committee, call special meetings, and act as spokesperson of the Committee with the authorization of the Committee pursuant to Section 4.1 of these Bylaws.
- (d) The Vice Chair shall assume all duties of the Chair in the absence of, or upon request of, the Chair.
- (e) The Chair or his/her designee shall make an oral report at the meeting of the Board of Directors following the Committee's meeting. The designee shall be the Vice Chair of the Committee or a Committee member.
- (f) In the absence of the Chair and Vice Chair, the Committee shall appoint a Chair Pro-Tem to fill the duties of the Chair.

SECTION 3.6. COMMITTEE SECRETARY

A LAVTA staff person shall serve as Secretary and shall have no vote on matters before the Committee. The Secretary shall keep minutes of all regular and special meetings, and submit them to the Committee for approval, maintain a record of attendance, record all roll call votes, and assist with clerical and administrative tasks pertaining to the Committee.

SECTION 3.7. COMMITTEE MEETINGS

- (a) Regular Meeting Site, Schedule and Time. The Committee shall meet quarterly as needed. The Committee shall establish the meeting schedule, meeting time, meeting sites for the regular meetings at the first regular meeting of the fiscal year.
- (b) Regular Meetings. All regular meetings shall have a published agenda. Only items on the agenda shall be addressed at the meeting. Items for a regular meeting agenda may be submitted by any member of the Committee at least two (2) weeks prior to the meeting. The Committee Secretary may submit items for the agenda. Any supportive material for an agenda item shall be submitted at the same time. The Chair and the Committee Secretary shall agree on the final agenda.
- (c) Agendas. The agenda shall contain at least the following: call to order; approval of minutes; old business; new business; public comment and adjournment. Copies of the agenda, with supporting material and past meeting minutes, shall be mailed or delivered to the Committee members.
- (d) Notice. Notice of regular and special meetings shall comply with the Ralph M. Brown Act, Government Code Section 54950, et seq. Notices shall be mailed or delivered to the appropriate locations in the LAVTA jurisdiction. Notices may be mailed to the public upon request. All requests for additional information for regular and special meetings shall comply with LAVTA's Access to Public Records Information Policy. All notices of regular and special meetings shall be posted 72 hours prior to the meeting.
- (e) Special Meetings. Special Meetings may be called by the Committee Chair. Special meetings may include regular business in nature and/or

- time-urgent items. Special meetings shall comply with the same requirements of regular meetings.
- (f) Accessibility. All meetings shall be conducted in the LAVTA jurisdiction and shall be in a location accessible by public transportation and accessible to persons with disabilities.
 - (g) Quorum. A quorum must be present to conduct a meeting and shall consist of six members. In the absence of a regular or alternate representative, the other representative from the City may exercise two votes for that jurisdiction and this would constitute a quorum.
 - (h) Affirmative Vote. An affirmative vote by the majority of the filled positions of the Committee is required for an action to be approved, and a quorum must be present in the room in order for a vote to be taken. If a quorum is not present, the Chair would adjourn the meeting.
 - (i) Compensation. Committee members shall not receive compensation for attending regular and special meetings. Please refer to section 4.2.
 - (j) Parliamentary Procedure. Meetings shall be conducted in accordance with Robert's Rules of Order, Revised, The Classic Edition, General Henry M. Robert, III.
 - (k) Minutes of WAAC Meetings. Minutes of the WAAC meetings shall be included in the Board of Directors Agenda Package.
 - (l) A member unable to attend a Committee meeting shall notify the member's alternate to attend the meeting.

ARTICLE 4

MISCELLANEOUS

SECTION 4.1. PUBLIC STATEMENTS.

The Chair of the Committee shall be the spokesperson. In the absence of the Chair, the Vice Chair shall act as the spokesperson. In the absence of the Committee's Chair and Vice Chair, a spokesperson shall be appointed by the Committee Chair. Furthermore, no member of the Committee shall speak as

a spokesperson for LAVTA without authorization by majority vote of the Board of Directors of LAVTA.

SECTION 4.2. EXPENSES. The Committee is strictly on a volunteer basis; therefore, members shall not be reimbursed for any expenses relative to the Committee's activities and functions. However, LAVTA will provide paratransit service to/from regular and special meetings for Committee members upon request. LAVTA will also provide transit passes at no charge for rides on fixed route services. Members of the public must provide their own transportation.

SECTION 4.3. AMENDMENTS. Proposed amendments to these Bylaws shall be submitted to the LAVTA Board of Directors by the General Manager with an explanation of the proposed changes. Amendments shall be incorporated into these Bylaws upon a majority vote of the LAVTA Board of Directors

AGENDA

ITEM 4



Wheels Accessible Advisory Committee

WAAC

SUBJECT: Election of Wheels Accessible Advisory Committee Chair and Vice Chair

FROM: Kadri Klm, Paratransit Planner

DATE: July 1, 2015

Action Required

Hold Election for the positions of the Wheels Accessible Advisory Committee Chair and Vice Chair

Background

The WAAC needs to elect a new Chair and Vice Chair from amongst its members. Section 3.5 of the Committee Bylaws states the following:

- (a) The Committee shall elect a Chair and Vice Chair from among its members. The Committee Chair and Vice Chair shall not represent the same city.
- (b) The Chair and Vice Chair shall be elected at the last meeting of each fiscal year and assume office at the first meeting of the new fiscal year.
- (c) The Chair shall preside at all meetings of the Committee, call special meetings, and act as spokesperson of the Committee with the authorization of the Committee pursuant to Section 4.1 of these Bylaws.
- (d) The Vice Chair shall assume all duties of the Chair in the absence of, or upon request of, the Chair.
- (e) The Chair or his/her designee shall make an oral report at the meeting of the Board of Directors following the Committee's meeting. The designee shall be the Vice Chair of the Committee or a Committee member.

- (f) In the absence of the Chair and Vice Chair, the Committee shall appoint a Chair Pro-Tem to fill the duties of the Chair.

Chair and Vice Chair will work with staff to create the Committee agendas.

Election Process

The WAAC bylaws do not outline a specific nomination and election process for the Committee Chair and Vice Chair. As a result, the process that the LAVTA Board of Directors uses will be followed. The elections for Chair and Vice Chair will be held separately using the following steps:

1. WAAC members will nominate other WAAC members or they may nominate themselves for the vacant position. All nominations must be seconded.
2. Nominees will be given up to two minutes to state their qualifications to the members. This is not required.
3. Each WAAC member will write the name of the candidate of their choice on a piece of paper (staff assistance is available, if needed). Members must be present to vote.
4. Staff will count the votes and announce the results. The nominee with the most votes wins the election for the position.

Recommendation

Nominate and elect the Chair and Vice Chair in accordance with the WAAC bylaws for fiscal year 2016.

AGENDA

ITEM 5



LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
1362 Rutan Court, Suite 100
Livermore, CA 94551

WHEELS Accessible Advisory Committee

DATE: Wednesday, May 6, 2015

PLACE: Diana Lauterbach Room LAVTA Offices
1362 Rutan Court, Suite 100, Livermore, CA

TIME: 3:30 p.m.

Draft MINUTES

1. Call to Order

The Chair Carmen Rivera-Hendrickson called the meeting to order at 3:30 pm.

Members Present:

Herb Hasting	Alameda County
Sue Tuite	Alameda County – Alternate
Connie Mack	City of Dublin
Shawn Costello	City of Dublin
Esther Waltz	City of Livermore
Nancy Barr	City of Livermore – Alternate
Carmen Rivera-Hendrickson	City of Pleasanton
Shirley Maltby	City of Pleasanton
Amy Mauldin	Social Services Member

Staff Present:

Michael Tree	LAVTA
Kadri Kulm	LAVTA
Bertha (Ally) Macias	MTM
Gregg Eisenberg	MV Transit

Members of the Public:

Mary Anna Ramos	Wheels rider
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2. **Citizens' Forum: An opportunity for members of the audience to comment on a subject not listed on the agenda (under state law, no action may be taken at this meeting)**

None.

4. **Minutes of the March 4, 2015 Meeting of the Committee**

Approved.

Costello/Mack

Hastings abstained.

5. **Fixed Route Operational Issues – Suggestions for Changes**

Sue Tuite reported that there are trees scratching the top of the buses on Owens by Walmart in Pleasanton.

Connie Mack said that there is a bus stop on Dublin Blvd, which gets dark and her client's granddaughter is afraid to use it when it gets dark. Connie will follow up with the exact location so that staff can follow up.

Shawn Costello said he had a problem with Route 10 coming back from the Valley Care. The driver wanted to drop him off at the Pleasanton side and not where he wanted to get off.

7. **Dial-A-Ride Operations 3rd Quarter Update**

Staff gave a report on MTM's performance analysis for the FY 2015 third quarter that covers the months of January, February and March, 2015. The third quarter on-time performance in the current fiscal year was 98.1% compared to 95.1% for the same quarter during the previous fiscal year. The ridership has increased close to 10% compared to these three months the year prior. During the January to March 2015 timeframe there was only one valid complaint total made regarding the paratransit service.

8. **Dial-A-Ride Operational Issues – Suggestions for Changes**

None reported.

9. **WAAC Recruitment**

WAAC reviewed the applications received for the FY16 membership. Staff received the most applications for the City of Livermore representative positions. WAAC members thought that the current alternate members already serving on the committee should be preferred for regular member positions over applicants who have never served on the committee.

WAAC recommended that the WAAC bylaws be changed to add an additional position to the committee – LAVTA’s representative to ACTC’s Paratransit Advisory Committee (PAPCO). LAVTA’s current representative for PAPCO is currently also a City of Livermore representative at WAAC. If the bylaws would be changed and the current PAPCP representative and Livermore resident would become the PAPCO representative at WAAC all three Livermore applicants would be able to serve in the committee.

Approved.

Hastings/Costello

10. USDOT Reasonable Modification Rule Procedures/Policies Development

Tabled for the next meeting.

11. Wheels Signage at the BART Station for the Upcoming Pleasanton Fairground Events

The committee discussed the potential signage at the BART station for the upcoming Pleasanton Fairgrounds events and offered their feedback and recommendations.

12. PAPCO Report

Esther Waltz gave an update on the latest PAPCO/ParaTAC joint meeting, which included the new BART fleet review and LAVTA quarterly report as well as discussion on providing paratransit services to dialysis centers.

13. LAVTA’s Annual Submittal for ACTC’s Measure B and Measure BB

LAVTA staff shared and discussed with the committee the Annual program plan, which was presented to and approved by PAPCO Finance Subcommittee on April 29, 2015. The projected Measures B and BB combined revenues for paratransit for the next fiscal year (2015/2016) is \$442,073 per year, which is 24% of LAVTA’s total annual paratransit budget.

14. Clipper Implementation

The staff updated the committee that LAVTA is scheduled to become part of the Clipper system as of Fall, 2015. During the months of March and April the site work was completed in the Tri-Valley area. Additionally, modeling of the business rules was completed using Clipper equipment. The next step is the hardware installation from May through September.

15. Wheels Fixed Route Comprehensive Operational Analysis (COA) Update

For the first time in many years, LAVTA has hired a consultant to perform a Comprehensive Operational Analysis (COA) of LAVTA’s fixed route system. The COA will develop service alternatives and the public’s response to those

recommendations. At the conclusion of the planning efforts, a preferred alternative will be presented to the agency policy makers for approval and implementation. March and April have been months of study review and data collection. A passenger survey has been conducted onboard fixed route buses. Next will come an existing conditions review, a service standards review and market research. In July the first round of meetings will be held to review the consultant's findings and take input from the public. The specific dates for the meetings in July are being set in early May. The second round of meetings for the public to review service alternatives is scheduled to take place in November.

16. WAAC Meeting Schedule

WAAC discussed whether or not to consider meeting schedule change for next FY.

17. Adjourn

The meeting was adjourned at 5:00 pm.

AGENDA

ITEM 6



STAFF REPORT

SUBJECT: LAVTA Procedures/Policies for USDOT Reasonable Modification Rule

FROM: Kadri Klm, Paratransit Planner

DATE: July 1, 2015

Action Requested

Information only.

Background

On March 13, 2015 the US Department of Transportation issued the “Reasonable Modification” rule, which goes into effect on July 13, 2015. This new ruling is intended to clarify that the public transportation providers must make reasonable accommodations in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability unless the transit agencies can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, or activity or result in an undue financial and administrative burden. This requirement applies for both fixed route and ADA paratransit services.

Discussion

In order to comply with the new ruling LAVTA staff has developed procedures for processing the requests for reasonable modifications, which are attached to the staff report. LAVTA will post information regarding its process for requesting reasonable modifications on its website and printed materials, and has designated an employee to coordinate reasonable modification requests and complaint procedures. A person may submit a request for a modification online, by mail or email, or by calling the Customer Service phone line.

The staff also modified the Dial-A-Ride operating policy document to include the following language:

9. REASONABLE MODIFICATIONS

9.1 LAVTA considers all requests for reasonable modifications of its policies, practices, or procedures, including those set forth herein, when necessary to avoid discrimination on the basis of disability. LAVTA is not required to grant requests for reasonable modifications that would fundamentally alter the nature of Dial-A-Ride services, programs or activities; are not needed for access to LAVTA services, programs or activities; or present a direct threat of injury to other persons or property.

9.2 Any person seeking a reasonable modification of LAVTA or Dial-A-Ride policies, practices or procedures, desiring to appeal a reasonable modification determination, or who believes they have been discriminated against by LAVTA on the basis of a disability may submit a modification request, appeal, or complaint for handling in accordance with related LAVTA policies.

9.3 The designated responsible employee for the reasonable modification requests is LAVTA's Paratransit Planner.

Since the ruling mainly affects transit agencies that provide curb-to-curb service as opposed to door-to-door service as LAVTA and most other Bay Area operators provide, LAVTA does not anticipate a major impact of the ruling as the ruling in most cases simply formalizes what the agency currently is already doing.

Recommendation Information Only.

Attachments:

1. Proposed ADA Policy Modification
2. LAVTA Reasonable Modification Procedures

LIVERMORE AMADOR VALLEY TRPANSIT AUTHORITY

WHEELS DIAL-A-RIDE OPERATING POLICY

Policy Adoption Date – 4-6-2015

This Wheels Dial-a-Ride Operating Policy (“Policy”) consolidates and clarifies LAVTA policies and regulations related to the Wheels Dial-A-Ride service. This Policy has been developed to meet or exceed all applicable state and federal laws and regulations.

1. **SERVICE CHARACTERISTICS**

1.1 **ADA Paratransit**

Public transportation systems that provide fixed route transit service are required by law to provide a complementary paratransit service. Pursuant to this mandate, LAVTA provides the Wheels Dial-A-Ride paratransit service.

1.2 **Demand Response**

Dial-A-Ride is a demand-responsive transportation service.

1.3 **Shared Ride**

Dial-A-Ride is a public shared ride transportation service.

1.4 **On-Board Travel Times**

A trip on a Dial-A-Ride paratransit vehicle takes approximately the same amount of time as a similar trip on a Wheels fixed route bus, including travel time to and from a bus stop, and any transfer time.

1.5 **Trip Priorities**

Dial-A-Ride does not assign priorities by trip purpose.

1.6 **Door-to-Door Service**

Dial-A-Ride is a door-to-door, origin-to-destination service subject to the limits described in Section 2 of this Policy.

1.7 **Passenger Assistance**

Subject to the limits described in Section 2 of this Policy, drivers will provide assistance in boarding and deboarding the vehicle, upon request. Assistance may include helping a passenger to or from the door of their origin or destination (no further than public lobbies), guiding a passenger to or from the vehicle, lending a steady arm for balance, finding a seat, or securing a mobility aid.

Drivers will not provide assistance that involves lifting or carrying a passenger. Passengers in need of extensive assistance should arrange to travel with a Personal Care Attendant (PCA).

Driver assistance with grocery and shopping bags of reasonable weight or luggage is limited to two (2) trips (four bags total) from origin to vehicle, and from vehicle to destination. Driver may set bags outside a front door, but will not enter a private residence.

1.8 Service Area

Dial-A-Ride service area is complementary to the LAVTA fixed route service area and generally consists of the cities of Livermore, Dublin, and Pleasanton. See *Attachment A* for the Dial-A-Ride service area map

1.8.1. Livermore Veterans Affairs Medical Center Service Area Extension

The Livermore Veterans Affairs Medical Center is located in unincorporated Alameda County, south of the City of Livermore. Direct service between the Dial-A-Ride service area and this medical facility is provided as an extension of the regular service area.

1.8.2. Southern portion of San Ramon Service Area Extension

LAVTA and the Central Contra Costa Transit Authority have a reciprocal agreement that allows each operator to provide direct service from one system to the other, allowing a passenger to avoid the transfer at the Dublin/Pleasanton BART station if the transfer would have an undue negative effect on the passenger.

As a general rule, given the very close proximity and boundaries of the two service areas, the reciprocal agreement provides for direct service between the Dial-A-Ride service area and the southern portion of San Ramon, bordered by the I-680 to the West, Norris Canyon Road to the North, Alcosta Boulevard to the East, and the City of Dublin city limits to the South.

1.9 Service Hours

Dial-A-Ride service operates during the same days and hours as Wheels fixed-route service.

2. DRIVER AND RIDER CODE OF CONDUCT

2.1 Drivers are not Permitted to:

- a. Escort a passenger beyond the ground floor lobby of a public building, beyond the lobby of a multi-unit residential building, or beyond the front door of a private residence.
- b. Perform any personal care assistance for any passenger. Examples include assisting with dressing, grooming, or administering medicine.
- c. Accept tips or gratuities.
- d. Wait for a passenger to make a stop to conduct business, such as at an ATM/Cash machine or pharmacy.
- e. Smoke, eat, or drink (except for water) in the vehicle while servicing a trip.

- f. Use a cell phone for personal calls, play loud music, or wear headphones.
- g. Neglect acceptable standards of personal hygiene.
- h. Dress in an unprofessional manner.
- i. Forget to wear their badge.
- j. Be rude or harassing to the passengers.
- k. Commit violent or illegal acts.

2.2 Riders are not Permitted to:

- a. Eat or drink (except for water) on vehicles, unless doing so is medically necessary.
- b. Play radios or music at a volume loud enough to be heard by the driver or other passengers.
- c. Litter on the vehicles.
- d. Neglect acceptable standards of personal hygiene.
- e. Distract the driver or interfere with the operations of the vehicle or equipment.
- f. Block the aisle with their mobility aids.
- g. Carry fireworks, flammable liquids, or weapons aboard the vehicle.
- h. Use abusive, threatening, or obscene language to other riders or any LAVTA/Dial-A-Ride staff.
- i. Commit seriously disruptive (including violent) or illegal acts.

3. ELIGIBILITY

3.1 Eligibility Definitions

- 3.1.1.** Individuals who, because of physical or developmental impairment, cannot utilize fixed route transit, no matter how accessible, are eligible for Dial-A-Ride service. This eligibility requirement is generally synonymous with inability to “navigate the system.”
- 3.1.2.** Those individuals who can use fixed route transit, but who, because of physical or developmental impairment, cannot access their desired route, or cannot access their final destination after leaving a fixed-route vehicle, are also eligible for Dial-A-Ride service.

3.2 Eligibility Determination

- 3.2.1.** The Dial-A-Ride eligibility determination process includes submittal and review of a paper application and the applicant’s Medical Care Professional’s verification.
- 3.2.2.** LAVTA will process ADA Paratransit applications for the residents of Livermore, Dublin, Pleasanton, and Sunol.
- 3.2.3.** LAVTA will process all applications within twenty-one (21) days of receipt.

3.3 Children's Eligibility

- 3.3.1. To be determined eligible for Dial-A-Ride service, a child with a disability who is not able to use fixed-route bus service independently must show that his or her disability -- rather than age -- causes the child's inability to use fixed-route bus service independently
- 3.3.2. For children younger than five (5) years of age, LAVTA evaluates the functional ability of the *child with an adult*, as opposed to the child alone. LAVTA certifies a child with an adult as paratransit-eligible if the child's disability prevents him or her from using fixed-route bus service when accompanied by an adult.
- 3.3.3. In the event a child younger than five years of age with a disability is able to use fixed-route bus service when accompanied by an adult, the child would generally not be eligible for paratransit.

3.4 Visitor Eligibility

- 3.4.1. The right to paratransit services as mandated by ADA cannot be restricted based on where the individual lives. An individual seeking to use Dial-A-Ride services does not have to reside in LAVTA service area and does not have to be ADA paratransit certified by LAVTA. LAVTA will honor individuals' ADA paratransit certification by other United States public transit agencies.
- 3.4.2. If the individual is not able to produce documentation of ADA certification by another transit system, but claims to be eligible for service, service will be provided. However, LAVTA may request proof that the individual is not a resident, and in some cases (for hidden impairment conditions), medical documentation may be required.
- 3.4.3. Under no circumstances is a visitor to the system entitled to service beyond twenty-one (21) days, in any combination, during any 365-day period, beginning with the visitor's first use of the service. Visitors intending to use Dial-A-Ride services for more than this limit should apply for Dial-a-Ride eligibility through LAVTA directly.

3.5 Eligibility Denials and Appeals

If an applicant does not agree with the eligibility decision made by LAVTA in response to his/her application, he/she must request an appeals hearing in writing within sixty (60) days of the date of the eligibility determination notification letter. The applicant may bring an advocate or personal representative to the appeals hearing. Complimentary Dial-A-Ride service will be provided both to and from the appeals hearing.

- 3.5.1. The request for an appeal must be forwarded to LAVTA's Executive Director. A response by the Executive Director will be completed within thirty (30) days of

the receipt of communication of the request. The response will be provided in a written or accessible format. If the decision is not made by the 31st day, appellant may request use of paratransit services until a decision is made.

4. **MOBILITY AIDS**

Passengers using mobility aids will be accommodated whenever safely possible. A passenger who uses a mobility aid may be required to attend an in-person assessment at the LAVTA offices (at no cost to the passenger).

4.1 **Mobility Aids Characteristics**

4.1.1. Weight

A mobility aid, when occupied by a user that exceeds the specified maximum weight capacity of the lift/ramp on a Dial-A-Ride vehicle may not be accommodated. Occupied mobility aids exceeding the weight capacity of the ramp/lift will be evaluated on a case-by-case basis.

4.1.2. Dimensions

Mobility aids will be accommodated on paratransit vehicles as long as the mobility aid and user do not exceed the size of the mobility aid securement area on the vehicle. As a safety requirement, mobility aids cannot block the aisle and cannot present a physical threat to other passengers.

4.2 **Mobility Aid Securements and Passenger Restraints**

Wheelchairs and other mobility aids must be secured to the Dial-A-Ride vehicles, ideally via a four-point tie-down system, and passengers must use the appropriate personal restraints. Passengers refusing the securements and/or restraints will be asked to deboard the vehicle.

4.3 **Segway Use**

Segways (or similar personal assistive mobility devices) are only permitted on-board when used as a mobility aid. Segways used for leisure will not be allowed on Dial-A-Ride vehicles. Segways must be secured on Dial-A-Ride vehicles.

5. **RESERVATIONS**

5.1 **Scheduling Reservations**

Reservations can be made one (1) to seven (7) days in advance. Reservations can be made by phone by calling (925) 455-7510 from 8:30 a.m. to 5:00 p.m. any day of the week, or by using the Book-A-Trip feature on LAVTA's website.

5.2 **Standing Orders/Subscription Rides**

For their repeated trips, passengers may set up a Standing Order/Subscription Ride. A Standing Order is an ongoing reservation for a trip ("subscription trip") that has the same starting and ending location and the same pick-up day and time.

Standing Order requests cannot always be fulfilled. To allow for equal access to service for all passengers, federal paratransit regulations provide that subscription trips may not absorb more than 50% of total system capacity at any time.

5.2.1. Standing Orders During Holidays

Except for trips to and from dialysis, Standing Orders will not be served on the following holidays: New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Day after Thanksgiving, Christmas Eve, and Christmas Day. Individual reservations on these holidays can still be made per the regular scheduling process.

5.3 Reservation Request

Passengers have the option of requesting a reservation based on EITHER the desired pick-up time OR the desired drop-off time.

5.4 Negotiating Pick-Up Time

If the desired pick-up time cannot be accommodated, the reservationist may offer alternative pick-up times ranging from one (1) hour before to one (1) hour after the requested pick-up time.

5.5 Changing a Reservation

To make changes to existing reservations, passengers must notify Dial-A-Ride at least one (1) day before the scheduled trip.

5.6 Canceling a Trip

Passengers must cancel the trips they do not plan to take as soon as possible and at least one (1) hour before the scheduled pick-up window to avoid penalties.

6. SERVICE DELIVERY

6.1 Fares

Fares must be paid at the beginning of the ride. Passengers may pay with pre-purchased Dial-A-Ride tickets or cash (exact change).

6.2 Pick-Up Window

The pick-up window is defined as the thirty (30) minute time period starting from the scheduled pick-up time. The pick-up is considered to be on time if the vehicle arrives anytime within the 30 minute pick-up window. For example, if the pick-up is scheduled for 2:30 p.m., the vehicle may arrive anytime between 2:30 p.m. and 3:00 p.m. and be considered on time.

6.3 Five (5) Minute Rule

After the vehicle arrives within the thirty (30) minute pick-up window, the passenger must be ready within five (5) minutes of notice of the vehicle's arrival. If the

passenger does not meet the vehicle when it arrives, the driver will attempt to find the passenger and dispatch will attempt to telephone the passenger. If the passenger can not be located or chooses not to start boarding within five (5) minutes, the driver may leave.

6.4 Early Pick-Ups

If the vehicle arrives before the thirty (30) minute pick-up window, the passenger may choose to take the trip early or have the driver wait until the start of the confirmed pick-up window.

6.5 Late Pick-Ups

If the vehicle is expected to be more than thirty-five (35) minutes late, the dispatcher should call the passenger as a courtesy. If the ride arrives after the 30-minute pick-up window, the passenger may decline to take the trip without penalty.

6.6 Same Day Trip Changes

If an appointment (e.g., medical or dental) takes longer than expected, the passenger or office personnel should call (925) 455-7510 as soon as possible to give a new pick-up time. Due to the nature of Dial-A-Ride's prescheduled operation, the new desired pick-up time can-not be guaranteed in this situation.

6.7 Passenger No-Show and Late Cancellation

6.7.1. Definitions

6.7.1.1 "No Show"

A trip for which a passenger is not present at the prearranged time and prearranged location, and has not notified Dial-A-Ride about a schedule change, constitutes a "No Show." If a schedule change or cancellation is required, passengers are expected to inform Dial-A-Ride no less than one (1) hour prior to the beginning of the prearranged pick-up window.

6.7.2.1 "Late Cancellation"

If a passenger informs Dial-A-Ride of a schedule change or cancellation less than one (1) hour prior to the beginning of a prearranged pick-up window, the patron will receive a "Late Cancellation."

6.7.2. Infractions

Both "No-Shows" and "Late Cancellations" are considered equal infractions.

6.7.3 Excused No-Shows and Late Cancellations

The following are circumstances in which the No-Show or Late Cancellation is excused:

- a. Late arrival by a Dial-A-Ride vehicle (outside the prearranged window);

- b. The Dial-A-Ride vehicle is dispatched to a wrong address or entrance of a building;
- c. A verified worsening of a passenger with a variable condition (medical or otherwise) which prevented the patron from calling at least one (1) hour in advance;
- d. A verified family emergency which prevented the passenger from calling at least one (1) hour in advance;
- e. Other verified circumstances that make it impracticable for the passenger to travel at the scheduled time and also for the passenger to notify dispatch before one (1) hour of the beginning of the pick-up window to cancel the trip.

6.8 Do Not Leave Alone Policy

LAVTA strongly recommends that passengers who cannot wait alone to be met at, or let into, their destinations be accompanied by a Personal Care Attendant (PCA). PCAs travel for free with a paying ADA paratransit passengers. The Do Not Leave Alone Policy is provided for those times when a PCA is not available and the passenger is not able to wait alone.

6.8.1. When The Driver Will Wait

For passengers travelling alone who cannot wait alone at their destinations, the driver will wait with the passenger until the connecting transit agency arrives or a person at the destination receives the passenger if both of the following conditions have been met.

6.8.1.1 The passenger has a Do Not Leave Alone note in his/her Dial-A-Ride file.

6.8.1.2 As part of the trip reservation, LAVTA was informed of the need for an attended transfer or drop-off.

6.8.2. Receiver Not Present Infraction

If the person responsible to receive the Do Not Leave Alone rider is not present within five (5) minutes of the arrival of the vehicle, the trip will be recorded as a Receiver Not Present infraction. Passengers will be notified when a trip is recorded as a Receiver Not Present infraction. Passengers will be given an opportunity to discuss their trip records with, and present information on the circumstances concerning the trip to LAVTA staff.

6.8.3. Excused Receiver Not Present Infraction

The passenger will not receive an infraction if the receiver is a connecting paratransit operator.

7. ACCOMPANIED PASSENGERS

7.1 Personal Care Attendants (PCAs) and Companions

Dial-A-Ride passengers may be accompanied by a PCA at no charge to the passenger or PCA. Dial-A-Ride passengers may also be accompanied by one or more companions. Companions must pay full Dial-A-Ride fares.

Reservations for PCAs and/or companions must be made when scheduling the Dial-A-Ride-eligible passenger's trip. Additional companions beyond the first companion are accommodated on a space-available basis. Companions and PCAs must ride to and from the same locations and at the same times as the Dial-A-Ride-eligible passenger.

7.2 Children

All children who are under eight (8) years old, unless they are at least 4-foot, 9-inches tall, must travel in a child safety seat in order to comply with California State Law. Parents or guardians must provide their own child safety seat and take it with them when they exit the vehicle. Dial-A-Ride does not provide or install child safety seats.

7.3 Service Animals

The passenger may bring a service animal that has been individually trained to work or perform tasks for the passenger with a disability. The service animal must be under its owner's control at all times and may not display aggressive or other seriously disruptive behavior, or behavior that poses a direct threat to the health or safety of others. Passengers must specify during the reservation process if they will be accompanied by a service animal.

8. NEIGHBORING PARATRANSIT OPERATORS

8.1 Pleasanton Paratransit Service

According to an agreement with the City of Pleasanton, the Pleasanton Paratransit Service also provides demand-responsive service within the LAVTA service area, but only within the City of Pleasanton. The Pleasanton Paratransit service is operated by the City of Pleasanton and is a separate entity from Dial-A-Ride.

8.2 County Connection LINK and East Bay Paratransit

LAVTA's ADA paratransit passengers may use ADA paratransit services anywhere in the nine (9) San Francisco Bay Area counties where such services are available. Passengers may schedule trips that take them into the service area of other Bay Area ADA paratransit providers. Dial-A-Ride has agreements with neighboring paratransit operators to facilitate transfers between service areas.

8.2.1. LAVTA coordinates transfer trips with East Bay Paratransit and County Connection LINK.

8.2.2. The designated transfer point between Dial-A-Ride and the neighboring East Bay Paratransit and County Connection LINK operators is at the East Dublin/Pleasanton BART Station.

8.2.3. The drivers for East Bay Paratransit and County Connection LINK do not have policies under which they will wait with a passenger after de-boarding.

8.2.4. When Dial-A-Ride receives a passenger from East Bay Paratransit or County Connection LINK at the Dublin/Pleasanton BART station, fare is NOT collected for the second part of the trip.

9. REASONABLE MODIFICATIONS ACCOMMODATIONS MODIFICATIONS

~~9.1 Wheels~~ LAVTA considers all requests for reasonable modifications of its policies, practices, or procedures, including those set forth herein, when necessary to avoid discrimination on the basis of disability. LAVTA is not required to grant requests for reasonable modifications that would fundamentally alter the nature of Dial-A-Ride services, programs or activities; are not needed for access to LAVTA services, programs or activities; or present a direct threat of injury to other persons or property. ~~is committed to making reasonable modifications accommodations to its policies, practices and procedures when necessary to ensure that Wheels' services are accessible to everyone unless making such modifications accommodations would fundamentally alter the nature of the service or result in an undue financial or administrative burden.~~

9.2 Any person seeking a reasonable modification of LAVTA or Dial-A-Ride policies, practices or procedures, desiring to appeal a reasonable modification determination, or who believes they have been discriminated against by LAVTA on the basis of a disability may submit a modification request, appeal, or complaint for handling in accordance with related LAVTA policies.

9.3 ~~To make a request for a reasonable modification the passengers should contact The designated responsible employee for the reasonable modification accommodation~~ modification requests is LAVTA's Paratransit Planner.

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9.10. SANCTIONS

9.10.1 Progressive basis

LAVTA will sanction Dial-A-Ride passengers progressively based on the cumulative infractions described above, and as further set forth below, over a rolling twenty-four (24) month period.

9.10.2 Sanctionable Offenses

9.2.1.10.2.1. Excessive Late Cancellations and No-Show Infractions

Passengers are subject to sanctions if they have 20% or more No-Shows and/or Late Cancellations (calculated by dividing validated No-Shows and Late Cancellations by actual "taken trips") within any given month (from the 1st to the last day), AND at least three (3) No-Shows and Late Cancellations during that month.

9.2.2.10.2.2. Excessive Receiver Not Present Infractions

Passengers are subject to sanctions if they have received Receiver Not Present infractions two (2) or more times within any given month (from the 1st to the last day) or four (4) or more times within a six (6) month period.

9.3.10.3 Progressive Sanction Penalties

9.3.1.10.3.1. 1st Sanction – Passenger will receive a phone call from the LAVTA staff. Staff will detail the specific dates and times of No-Shows/Late Cancellations or Receiver Not Present Violations, will discuss the impact to the system caused by ineffective use, and will describe the progressive sanctions if the pattern of these violations continues.

9.3.2.10.3.2. 2nd Sanction – Passenger will receive a formal written correspondence from LAVTA detailing the specific dates and times of the No-Shows/Late Cancellations or Receiver Not Present Violations. This correspondence will warn the passenger that another month of excessive violations will result in a 15-day suspension of service.

9.3.3.10.3.3. 3rd Sanction – Passenger will receive formal notification from LAVTA of a fifteen (15) day suspension of service. This correspondence will detail the specific dates and times of the No-Shows/Late Cancellations or Receiver Not Present Violations as well as the proposed suspension dates. The proposed suspension dates will be no sooner than twenty (20) days after sending the written correspondence to provide time for an appeal by the passenger. The notification shall warn the patron that another month of excessive violations will result in a 30-day suspension of service.

9.3.4.10.3.4. 4th Sanction – Passenger will receive formal notification from LAVTA of a thirty (30) day suspension of service. This correspondence will detail the specific dates and times of the No-Shows/Late Cancellations or Receiver Not Present Violations as well as the proposed suspension dates. The proposed suspension dates will be no sooner than twenty (20) days after sending the written correspondence to provide time for an appeal by the passenger. This notification will warn the passenger that another month of excessive violations will result in a 60-day suspension of service.

9.3.5.10.3.5. 5th Sanction – Passenger will receive formal notification from LAVTA of a sixty (60) day suspension of service. This correspondence will detail the specific dates and times of the No-Shows/Late Cancellations or Receiver Not Present Violations as well as the proposed suspension dates. The proposed suspension dates will be no sooner than twenty (20) days after sending the written correspondence to provide time for an appeal by the passenger. This notification will warn the passenger that another month of excessive violations will result in a 90-day suspension of service.

9.3.6.10.3.6. 6th Sanction - Passenger will receive formal notification from LAVTA of a ninety (90) day suspension of service. This correspondence will detail the specific dates and times of the No-Shows/Late Cancellations or Receiver Not Present Violations as well as the proposed suspension dates. The proposed suspension dates will be no sooner than twenty (20) days after sending the written correspondence to provide time for an appeal by the passenger. This notification will warn the passenger that another month of excessive violations will result in another 90-day suspension of service.

10.11. APPEALS PROCESS FOR SANCTIONS

10.111.1 Right to Appeal

The passenger has the right to appeal a suspension of service or sanction. Passengers may bring an advocate or personal representative to the appeals hearing(s). Complimentary transportation will be provided both to and from appeals hearings.

10.211.2 No Action Before Resolution

In no event will the sanction go forward until the final outcome of the appeals process is completed.

10.311.3 How to Start the Appeals Process

10.3.1.11.3.1. Step #1. The passenger has fourteen (14) calendar days after the date of the suspension or sanction notification to appeal the suspension/sanction in writing. Review of the appeal will consist of an interview with the passenger.

10.3.2.11.3.2. Step #2. If the passenger disagrees with the decision made in Step #1, he/she may appeal that decision. To make an appeal, the passenger must send a written request to LAVTA. The passenger's written appeal must be received by LAVTA within fourteen (14) calendar days after the date of the written decision in Step #1.

12. APPEALS PROCESS FOR REASONABLE MODIFICATION REQUEST DENIALS

12.1 Right to Appeal

The passenger has a right to appeal a decision to deny a reasonable modification request. Passenger may start the appeal process by contacting LAVTA Customer Service phone line at 925-455-7500, or fill out the online Customer Service Form on LAVTA's website.

12.2 No Further Action Before Resolution

If LAVTA has denied a passenger's request for a reasonable modification, this decision will remain effective until the final outcome of the appeals process is completed.

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12.3 How to Start the Appeals Process

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12.3.1. Receive Appeal from Customer (Clock Starts)

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12.3.2. Notify [needs to be a different individual than the person who reviews the original request], who will open investigation

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12.3.2.1 Review all relevant documents, practices and procedures as well as discussions of the complaint with all affected parties to determine the nature of the problem.

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12.3.2.2 Begin investigation process within 10 business days.

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12.3.3. Additional Information Needed

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12.3.3.1 If more information is needed to resolve the case, [redacted] will contact the complainant. The complainant must provide additional requested information within ten (10) business days of the date of the request.

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12.3.4. Closing the Case

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12.3.4.1 If the investigator is not contacted by the complainant or does not receive the additional information within ten (10) business days of LAVTA's request, LAVTA can close the case administratively.

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12.3.4.2 A case also may be closed administratively if the complainant no longer wishes to pursue their case.

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12.3.5. LAVTA will issue a closure letter or a letter of finding (LOF).

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12.3.5.1 A closure letter summarizes the complaint/appeal of a reasonable modification decision and states that the request was properly denied and that the appeal will be closed.

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12.3.5.2 A LOF summarizes the complaint/appeal of a reasonable modification decision and information obtained through the investigation, and whether action is taken.

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12.3.6. Notify LAVTA's Paratransit Planner for record keeping purposes

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14-13. CUSTOMER COMPLAINTS AND COMMENTS

To initiate LAVTA's customer complaint or comment process passengers should call the LAVTA Customer Service phone line at 925-455-7500, or fill out the online Customer Service Form on LAVTA's website.

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**LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
DOT ADA REGULATIONS (80 FR 13253)
PROCEDURES FOR PROCESSING REQUESTS FOR
REASONABLE MODIFICATIONS**

On March 13, 2015, the U.S. Department of Transportation issued revised regulations under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 as amended, specifically to require public transportation providers to make reasonable modifications to their policies, practices and procedures to avoid discrimination and ensure that programs are accessible to individuals with disabilities. The revised DOT regulations, effective July 13, 2015, are briefly summarized as follows:

1. Public transportation providers must *make reasonable modifications* in policies, practices, and procedures when necessary to avoid discrimination on the basis of disability in the provision of public transportation unless it can be demonstrated that making a modification would fundamentally alter the nature of the service, program, or activity; is not needed for access to services; or presents a direct threat of injury to other persons or property. This requirement applies to both fixed-route and paratransit services.
2. Whenever considering its facilities or transportation services, including in response to requested modifications, public transportation entities must consider the most integrated setting appropriate for providing service to individuals with disabilities.
 - a. However, entities can refuse to provide service to an individual that engages in violent, seriously disruptive, or illegal conduct, or that presents a direct threat to the health or safety of others.
 - b. It is not permissible to refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees or other persons.
3. Public transportation entities must provide "Origin-to-destination service" for paratransit. *Origin-to-destination service* means providing service from a passenger's origin to the passenger's destination. Under this new definition, *a paratransit provider may provide ADA complementary paratransit in a curb-to-curb or door-to-door mode*. For **curb-to-curb** service, a paratransit provider must provide assistance to those passengers who need assistance beyond the curb in order to use the service unless such assistance would result in a fundamental alteration of the service, or present

a direct threat to the driver, other riders/individuals, or the paratransit vehicle. When considering changes to facilities or transportation services, entities must consider the most integrated setting appropriate for individuals with disabilities.

PROCEDURES FOR PROCESSING REQUESTS FOR REASONABLE MODIFICATION

In order to implement the revised ADA regulations, the following procedures apply to requests for reasonable modification of LAVTA's services.

1. **PUBLIC INFORMATION:** LAVTA post information regarding its process for requesting reasonable modifications on its website at www.wheelsbus.com, in its printed materials, and in various postings at the transit facilities. The information will be provided by means that are accessible to and usable by individuals with disabilities.
2. **DESIGNATED RESPONSIBLE EMPLOYEE:** LAVTA's designated responsible employee to coordinate reasonable modification requests and complaint procedures: the Paratransit Planner, currently reporting to the Director of Planning and Communications. The Director of Administrative Services, as the responsible employee for the entire Customer Service Request Program will also review the requests for overall quality control.
3. **SUBMITTING A REQUEST:** A person may submit a request for a modification (for fixed route or paratransit) via LAVTA's Customer Service Request Program, <http://user.govoutreach.com/wheels/support.php> (note that anyone can enter a request through the website at www.wheelsbus.com). Requests may also be made via email to info@lavta.org; or in writing to: LAVTA, Attn: ADA Request, 1362 Rutan Drive, Suite 100, Livermore, CA 94551; or by calling the Customer Service line at 925-455-7500. LAVTA employees receiving these requests via email, in writing, or via the phone will enter the request in the Customer Service Request Program for processing.
4. **CONTENT OF REQUEST:** The request for modifications should describe what is needed in order to use the transit service. It is not necessary to use the term "reasonable modification" when making a request. The designated responsible employee for these requests will make the determination that the request falls into the subtype of request, "reasonable modification," in order to ensure that the request is properly handled.
5. **PARATRANSIT ELIGIBILITY PROCESS:** Some requests for reasonable modifications may be submitted during the paratransit eligibility

process or through other customer service inquiries. Operating personnel are trained and are empowered to determine whether the request should be granted at the time of the request or whether the request needs to be escalated to operations/agency management before making a determination to grant or deny the request. With respect to requests that are granted for passengers using the paratransit system, the Regional Eligibility Database will be updated with any modifications specific to a passenger.

6. **TIMING FOR SUBMISSION:** Generally, requests for modification should be submitted in advance of the requested service. Where this is impractical, LAVTA operating personnel and paratransit contractor staff, are empowered to determine whether the request may be granted at the time of the request or whether the request needs to be referred to operations/agency management to grant or deny the request.
7. **DISPOSITION OF REQUEST:** All requests entered into the Customer Service Request Program will be acknowledged within 3 business days of receipt. The resolution and response to the person who submitted a request or complaint will be made timely, within 10 days, and the response must explain the reasons for the resolution. The response must be documented in the Customer Service Request Program. If staff needs more than 10 days to respond to the request or complaint, staff will notify the requestor how much additional time is needed and explain why additional time is needed. Any requests or complaints requiring more than 10 days to resolve must be reviewed by the Director of Planning and Communications and documented as to why the resolution requires additional time for full resolution.
8. **TRAINING:** Training regarding these procedures shall be provided to LAVTA and contractor staff who interact with the public; specifically, vehicle operators, management staff, customer service staff, etc.

STANDARDS FOR REVIEWING REQUESTS FOR MODIFICATION

1. **GROUND FOR DENIAL:** Requests for modification of LAVTA's policies and practices may be denied *only* on one or more of the following grounds:
 - a. Granting the request would fundamentally alter the nature of LAVTA's services, programs, or activities;
 - a. Granting the request would create a direct threat to the health or safety of others (including drivers and other passengers, but *not including* the requesting party); or

- b. Without the requested modification, the individual with a disability is able to fully use LAVTA's services, programs, or activities for their intended purpose.
2. **OTHER ACTIONS TO ENABLE SERVICE:** If LAVTA denies a request for a reasonable modification, LAVTA shall take, to the maximum extent possible, any other actions (that would not result in a direct threat or fundamental alteration) to ensure that the individual with a disability receives the services or benefit provided by LAVTA.
3. **EXAMPLES:** The DOT has provided a helpful summary of examples of reasonable modification requests and which requests may/may not be denied because they would result in a fundamental alteration of service or direct threat. For more details regarding examples summarized below, please refer to Appendix E to Part 37.

AM I REQUIRED TO GRANT THIS REQUEST?	
YES, UNLESS <i>Granting the request (a) poses a direct threat (including resulting in a vehicle being left unattended or out of visual observation for a lengthy period of time), or (b) is a fundamental alteration of service</i>	NO, YOU HAVE THE OPTION TO DENY
<i>Getting On and Off the Vehicle & to the Door: Paratransit</i>	
Request to be picked up at the front door of their home.	
Request for the driver to open an exterior entry door to a building to provide boarding and/or alighting assistance.	Request for "door-through-door" service (<i>i.e.</i> , assisting the passenger past the door to the building).
Request for a driver to help navigate an incline (<i>e.g.</i> , a driveway or sidewalk) with the passenger's wheeled mobility device.	
Assistance in traversing a difficult sidewalk (<i>e.g.</i> , one where tree roots have made the sidewalk impassible for a wheelchair).	
Assistance around obstacles (<i>e.g.</i> ,	

construction areas) between the vehicle and the door of a passenger's origin or destination.	
Request to be assisted between an origin/destination and vehicle during extreme weather conditions.	
A passenger's request for assistance means that the driver will need to leave passengers aboard a vehicle unattended (other than for an extended period of time or resulting in loss of the driver's visual contact with the vehicle).	
<i>Getting On and Off the Vehicle & to the Door: Paratransit & Fixed Route</i>	
Wheelchair user requests to board a vehicle separately from his or her device when the occupied weight of the device exceeds the design load of the vehicle lift.	
	Request for a driver to assist with luggage or packages may be denied in those instances where it is not the normal policy or practice of the transportation agency to assist with luggage or packages.
	Except in emergency situations, a passenger's request for a driver to lift the passenger out of his or her mobility device should generally be denied.
<i>Positioning the Vehicle: Fixed Route</i>	
Position the vehicle to avoid obstructions to the passenger's ability to enter or leave the vehicle at a designated stop location, such as parked cars, snow banks, and construction.	Establish flag stop or route-deviation policies to avoid obstructions.
<i>Positioning the Vehicle: Paratransit</i>	

Pick up and drop off at the entrance requested by the passenger, rather than at a location that has been predetermined by the transportation agency.	
Pick up on private property with a security barrier. Yes, and operator should work with passenger to get permission of the property owner to access the private property.	Violate the law or lawful access restrictions to meet the passenger's requests to pick them up on private property with a security barrier.
Request that a paratransit vehicle navigate to a pick-up point to which it is difficult to maneuver a vehicle, but not impossible or impracticable to access (<i>e.g.</i> , it is unsafe for the vehicle and its occupants to get to the pick-up point without getting stuck or running off the road).	Request exposes the vehicle and its occupants to hazards, such as running off the road, getting stuck, striking overhead objects, or reversing the vehicle down a narrow alley.
<i>Fares: Paratransit and Fixed Route</i>	
Handle fare media when the passenger with a disability cannot pay the fare by the generally established means (<i>e.g.</i> , in a situation where a bus passenger cannot reach or insert a fare into the farebox).	Reach into pockets or backpacks in order to extract the fare media.
	Pay the fare for the passenger when the passenger cannot or refuses to pay the fare.
<i>Food, Medicine & Special Requests: Paratransit and Fixed Route</i>	
A passenger with diabetes or another medical condition requests to eat or drink aboard a vehicle or in a transit facility in order to avoid adverse health consequences.	
Allow individuals to take medicine including administering insulin injections and conducting finger stick	Provide medical assistance.

blood glucose testing.	
	Request for service outside the service area or operating hours.
Request for Personal Care Attendant to travel with a passenger.	Request that a transportation agency provide a Personal Care Attendant.
	Care for a service animal.
	Request for a specific driver.
Provide otherwise-allowed assistance for a return trip regardless of whether the passenger needed it on the initial trip (<i>e.g.</i> , reasonable modifications for a dialysis patient who just received treatment).	
Passenger requests a telephone call 5 minutes (or another reasonable interval) in advance or at time of vehicle arrival.	
	Request for special equipment (<i>e.g.</i> , the installation of specific hand rails or a front seat in a vehicle for the passenger to avoid nausea or back pain) can be denied so long as the requested equipment is not required by the ADA or DOT rules
	Request for a dedicated vehicle (<i>e.g.</i> , to avoid residual chemical odors) or a specific type or appearance of vehicle (<i>e.g.</i> , a sedan rather than a van, in order to provide more comfortable service).
	Request for an exclusive paratransit trip.
	Request for a driver to make an intermediate stop that would disrupt schedules and inconvenience other passengers.

REASONABLE MODIFICATION APPEALS PROCESS

1. Receive Appeal from Customer (Clock Starts)

2. Notify LAVTA Director of Administrative Services, who will open investigation

- a. Review all relevant documents, practices and procedures as well as discussions of the complaint with all affected parties to determine the nature of the problem.
- b. Begin investigation process within 10 business days.

3. Additional Information Needed

- a. If more information is needed to resolve the case, LAVTA Paratransit Planner will contact the complainant. The complainant must provide additional requested information within ten (10) business days of the date of the request.

4. Closing the Case

- a. If the investigator is not contacted by the complainant or does not receive the additional information within ten (10) business days of LAVTA's request, LAVTA can close the case administratively.
- b. A case also may be closed administratively if the complainant no longer wishes to pursue their case.

5. LAVTA will issue a closure letter or a letter of finding (LOF).

- a. A closure letter summarizes the complaint/appeal of a reasonable modification decision and states that the request was properly denied and that the appeal will be closed.
- b. A LOF summarizes the complaint/appeal of a reasonable modification decision and information obtained through the investigation, and whether action is taken.

6. Notify LAVTA's Paratransit Planner for record keeping purposes

AGENDA

ITEM 7



Wheels Accessible Advisory Committee

WAAC

SUBJECT: Establish WAAC Meeting Schedule/Times FY 2016

FROM: Kadri Klm, Paratransit Planner

DATE: July 1, 2015

Action Required

Establish the WAAC meeting dates and times for fiscal year 2016. Fiscal year 2016 is defined as the period from July 1, 2015 through June 30, 2016.

Background

As stated in the WAAC Bylaws SECTION 3.7(a) "The Committee shall meet quarterly as needed. The Committee shall establish the meeting schedule, meeting time, meeting sites for the regular meetings at the first regular meeting of the fiscal year."

Discussion

In the past, WAAC Committees established a quarterly schedule for regular meetings. Starting in 2010, the frequency of meetings was increased to every other month. Last year, meetings were scheduled for the first Wednesday of every other month from 3:30 pm to 5:00 pm.

Recommendation

Staff's recommendation is to continue to have WAAC meetings on the first Wednesday of every other month from 3:30 pm to 5 pm.

Meeting dates would be: July 1, 2015
September 2, 2015
November 4, 2015
January 6, 2016
March 2, 2016
May 4, 2016
July 6, 2016