

**Section Heading:**

2.00 – Administrative &amp; Personnel Policies

**Document Title:**

2.03 – ADA Accessibility &amp; Service Animals

**Effective Date:** 8/20/2008**Last Updated:** 8/5/2011**Document Page:** 1 of 3

## 2.03 – ADA Accessibility & Service Animals

This policy establishes requirements for assisting persons who are protected under the Americans with Disabilities Act (ADA) of 1990. As a transportation system operated by a public institution, we are required to be in compliance with this legislation. This policy is applicable to all employees who come in contact with people with disabilities while performing their duties.

### **Definitions**

The following definitions are provided to help you understand terms used in this document:

- **Person With Disabilities:** a person having a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment.
- **Service Animal:** a dog or miniature horse which has been individually trained to work or perform tasks for an individual with a disability, including guiding individuals with impaired vision, alerting individuals with impaired hearing, pulling a wheelchair or other special tasks.
- **Common Wheelchair:** a “common wheelchair” is defined by Section 37.3 of the Department of Transportation’s (DOT) regulations implementing the (ADA Act of 1990 49 CFR Parts 27, 37 and 38) as a three or four wheeled device, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A “common wheelchair” does not exceed 30 inches in width and 48 inches in length measured two inches from the ground and does not weigh more than 600 pounds when occupied. The 30 x 48 inch clear space extends from the floor to a height of 30 inches. If a backrest of a wheelchair or scooter extends outside of this area, it would not be considered a “common wheelchair”. (See *Diagram 1* at end of document.)
- **Other Power-Driven Mobility Device (OPDMD):** any mobility device powered by batteries, fuel or other engines – whether or not designed primarily for use by individuals with mobility disabilities – which is used by individuals with mobility disabilities for the purpose of locomotion, not including wheelchairs.

**Note:** Federal law (49 CFR Parts 171 – 179) forbids flammable liquids from being transported in the passenger area of a passenger vehicle. OPDMDs using flammable liquid (such as gasoline, kerosene, etc.) as fuel are not to be transported on ECU Transit vehicles.

- **Auto Balancing Wheeled Conveyance (ABWC):** a battery powered, non-collapsible, self-balancing wheeled personal transportation device not to be confused as a bicycle, including but not limited to ABWC’s marketed under the brand Segway.

### **Responsibilities**

All employees must provide passengers with disabilities comparable service to that provided to all ECU Transit passengers. This service must be provided with dignity and respect, without compromising safety or security.

### **Service Animal Procedure**

Passengers requiring the use of a service animal are uncommon on our system but drivers must nonetheless be prepared to accommodate them.

- Service animals are normally identified by red collars or harnesses, but these identifiers are not required. If you are not certain an animal is a service animal, you may only ask the person two questions: whether the animal is required for a disability and what type of tasks has the animal been trained to perform. No inquiries shall be made if it is readily apparent the animal is trained to do work of perform tasks for an individual with a disability.

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- Employees cannot require special identification for service animals, inquire about a passenger's disability or ask for a demonstration of the tasks the animal has been trained to perform. If in doubt about a service animal contact a supervisor or a manager.
  - A person with a service animal may only be asked to remove the animal from vehicles or facilities if the animal is not under the owner's control or the animal poses a direct threat to the health and safety of others.

**Common Wheelchair Procedure**

All vehicle operators have the responsibility to know how to secure a wheelchair in the transit vehicle in which they are operating.

- All common wheelchairs must be secured on all ECU Transit buses.
  - Any passenger refusing to have his/her wheelchair secured while being transported may be denied transportation.
  - If after attempting to secure the wheelchair the operator finds the wheelchair cannot be secured, he or she must contact a supervisor. Transportation will not be refused.
- If a passenger's wheelchair is found to exceed the definition of a "common wheelchair", ECU Transit may refuse transportation on all buses, or on a certain series of buses.

**Other Power-Driven Mobility Device (OPDMD) Procedures**

Only OPDMDs with a footprint equal to or less than a common wheelchair which are able to fit into the space provided for common wheelchairs will be allowed on ECU Transit vehicles. The OPDMD cannot be wider than 30 inches at its widest point and cannot be longer than 48 inches at its longest point.

- Bus operators may ask the customer to provide credible assurance the mobility device is required because of the passenger's disability.
  - The operator shall accept a valid state-issued disability parking placard or card or other state-issued proof of disability.
  - In lieu of a valid documented proof of disability, the operator shall accept the word of the passenger, if not contradicted by observable fact. If the passenger's word does appear to be contradicted by observable fact, then the operator shall contact a supervisor immediately.
- Passengers will not be allowed to ride the OPDMD when boarding or de-boarding.
- While being transported, the OPDMD must be powered down and secured within the wheelchair securement area of the vehicle.
- Passengers will not be allowed to stand on the OPDMD within the securement area and while the device is being transported.
- In the event a device other than a ABWC is utilized by a passenger as a OPDMD, the operator shall provide normal services unless there is reason to believe transporting the device will present a substantial risk of serious harm. In this case, the operator shall contact a supervisor immediately.

**Auto Balancing Wheeled Conveyance (ABWCs) Not Used As OPDMDs**

- ABWCs are not allowed on ECU Transit vehicles unless they qualify as OPDMDs.

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**References**

Americans with Disabilities Act (ADA) of 1990

49 Code of Federal Regulation (CFR) Part 27, 37 and 38

**Diagram 1: Common Wheelchair**

