

Los Alamos County

ACT Assist

ADA Complementary Paratransit Policies & Procedures



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OVERVIEW

ACT Assist ADA Complementary Paratransit Service serves the needs of customers who, because of a disability, are unable to use the Atomic City Transit (ACT) fixed-route system, and who meet the definition of “ADA paratransit eligible,” as established by the U.S. Department of Transportation (DOT) Americans with Disabilities Act (ADA) of 1990 (See Exhibit A).

ACT Assist ADA Complementary Paratransit Service is comparable to the level of service provided to individuals without disabilities who use the fixed-route system.

Disability alone does not establish ADA paratransit service eligibility; the decision is based solely on the applicant’s functional ability to use the ACT fixed-route transit service. ACT Assist is for those who do not have the functional abilities to access and ride the regular fixed-route transit service.

ACT Assist is an “origin to destination” service, and door-to-door transportation is the primary means by which service will be provided.

If you need additional information, alternative formats, or have any questions, please feel free to contact ACT Assist at (505) 661-4545.

CERTIFICATION / ELIGIBILITY

In order to use ACT Assist, you must first be certified by Atomic City Transit as “ADA paratransit eligible.” ACT Assist will strictly limit ADA paratransit eligibility to individuals who meet this definition (see Exhibit A).

To be considered, you must complete an *ACT Assist ADA Complementary Paratransit Application*. Applications may be downloaded from the Atomic City Transit website or obtained by calling (505)661-4545. All applicants must complete the application form.

The *Healthcare Professional Verification Form* must be completed by a licensed healthcare professional who is familiar with your particular disability and current functional abilities to use regular fixed-route service.

Licensed healthcare professionals include:

- Physician or registered nurse
- Physical or occupational therapist
- Psychiatrist, psychologist, or mental health counselor
- Licensed vocational counselor, rehabilitation specialist, or independent living skills trainer
- Licensed social worker or case manager

- Licensed orientation and mobility instructor or travel trainer

The eligibility process is not aimed at making a medical or diagnostic determination. What is needed is a determination of whether, as a practical matter, you can use fixed route transit in your own circumstances. That is primarily a transportation decision, not a medical decision.

Complete applications received will be processed immediately but will not be longer than 21 calendar days. Once an application is received and verified to be complete the applicant can expect a phone call advising receipt of the application and attempt to schedule an in-office interview at the Atomic City Transit Administrative office, 101 Camino Entrada, Building 1, Room 200. Transportation will be provide to and from the interview free of charge. If ACT Assist has not made a determination of eligibility within 21 days of receiving a complete application, the applicant shall be treated as eligible and provided unconditional service until and unless ACT Assist denies the application.

Many times we will be able to render a decision immediately, explain the how to use the program and create your user I.D. card during your interview. More difficult determination may require a letter be mailed to you after your interview although a photo ID and program explanation will be provided to eliminate the need to return. Once you are eligible, you must notify ACT Assist of any changes in your address, phone number or disability.

TYPES OF ELIGIBILITY

Applicants who are determined to be ADA paratransit eligible will be notified of such in writing and assigned an eligibility category.

The documentation stating that the applicant is ADA paratransit eligible shall include the following information:

- Name of the eligible individual
- Name of the transit provider
- Telephone number of the transit provider's paratransit coordinator
- Expiration date for eligibility
- Any conditions or limitations on the individual's eligibility, including the use of a personal care attendant

The eligibility category is consistent with the applicant's ability to use the regular fixed-route service. These categories are Unconditional, Conditional and Temporary.

UNCONDITIONAL – Applicant is not able to use ACT fixed-route transit service under any circumstance and is eligible for all trips on ACT Assist.

CONDITIONAL – Applicant is not able to use ACT fixed-route transit service under certain circumstances (e.g., inclement weather adversely affects a disability; environmental barriers prevent access to a particular bus stop) and may be eligible for certain trips on ACT Assist.

TEMPORARY – Applicant is not able to use ACT fixed-route transit service at this time, however, the condition or circumstances leading to eligibility is reasonably expected to change in the future. For a limited period of time, the applicant is eligible to use ACT Assist for all trips.

PHOTO IDENTIFICATION CARDS

During your interview ACT Assist will issue a photo identification card. The identification card may be used for ADA paratransit service in other U.S. cities for up to a combination of 21 days during any 365-day period beginning with the first use of the service.

Photo identification cards are issued at the ACT Assist office located at the Los Alamos County Pajarito Cliffs Site, 101 Camino Entrada, Building 1, Room 200, Los Alamos, NM 87544. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

ACT Assist staff will call you to schedule an appointment to have your picture taken and a free photo identification card issued. A complementary round trip on ACT Assist will be provided for this appointment. Individuals must bring with them proof of valid personal identity (e.g., driver's license or State-issued ID card) to have an identification card issued.

There is a \$5.00 replacement charge for lost, stolen or damaged ID cards. You may replace your ID card by visiting the ACT Assist office, or by mailing a check for \$5.00 with a request to have the replacement card mailed to you to: ACT Assist, 101 Camino Entrada, Building 1, Box 1, Los Alamos, NM 87544.

CERTIFICATION APPEALS PROCESS

Applicants who are denied eligibility or given conditional or temporary eligibility shall be given a written notice with specific reasons for the decision and notice of their right to appeal (see Appeals Procedures below). Such appeal must be submitted within sixty (60) days from the date of certification denial or eligibility decision. The appeal will be considered by the ADA Appeals Committee made up of three (3) persons, at least one of whom will be a member of the disabled community and/or familiar with the disability in question. For more information, contact ACT Assist at (505) 661-4545.

RECERTIFICATION

In order to keep the database of ADA paratransit eligible customers current, customers will need to complete a new application and be recertified as eligible every three (3) years. The

photo identification card will contain the expiration date of eligibility. It is the responsibility of the customer to complete a new application and seek recertification prior to the expiration date of eligibility.

Persons with permanent disabilities are required to obtain professional verification of their disability to become initially certified. Thereafter, recertification will only require that the *ACT Assist ADA Complementary Paratransit Application* (Part A) be completed indicating they still desire to utilize the paratransit service. The *Healthcare Professional Verification* (Part B) will not be required for recertification.

VISITORS WITH DISABILITIES

Visitors with disabilities who cannot use the ACT fixed-route system are eligible to utilize the ACT Assist paratransit service on the same basis as it is provided to local residents. If the visitor has been certified as ADA paratransit eligible by another public entity – and presents documentation to that effect – ACT Assist will honor the certification and provide up to 21 days of paratransit service.

If the visitor has no such documentation, ACT Assist may require the provision of proof of visitor status (e.g., proof of residence somewhere else) and, if the individual's disability is not apparent, proof of the disability (e.g., a letter from a doctor or rehabilitation professional). Once this documentation is presented and approved, ACT Assist will make service available for up to 21 days on the basis of the individual's statement that he or she is unable to use the fixed-route transit system.

The “21 days” of service that shall be provided to visitors with disabilities are to be calculated as any combination of 21 days during any 365-day period beginning with the visitor’s first use of service. For example, a person may visit two days a week. In this case, eligibility would be extended over an eleven week period of time (2 days per week x 11 weeks = 22 days), within which 21 days of ACT Assist paratransit service would be provided. The scheduling software in use by ACT Assist will be used to track the 21 days of service for visitors.

Visitors who require more than 21 days of service within a 365-day period shall be required to apply for local eligibility through the ACT Assist certification process.

Visitors with disabilities shall be provided the same level of service as certified ACT Assist customers and are subject to the same service policy requirements.

NOTE: Visitors who are certified as ADA paratransit eligible by Santa Fe Trails or North Central Regional Transit District – and present documentation (e.g., ID card) to that effect – will be automatically eligible for ACT Assist and will not be subject to the 21 days of service provision. Under these circumstances, there is no need for visitors to obtain separate paratransit eligibility from ACT Assist. However, ACT Assist may need to verify the type of eligibility with the other service provider.

MEETING THE REQUIREMENTS OF DOT ADA SERVICE

ADA complementary paratransit service is provided in accordance with the six service criteria established by the Department of Transportation (49 CFR Part 37, Subsection F) for ADA paratransit operations, which include service area, response time, fares, trip purpose restrictions, hours and days of service, and capacity constraints. Each of these criteria is described below.

A. Service Area

ACT Assist shall provide ADA complementary paratransit service to origins and destinations within Los Alamos County.

B. Response Time

ACT Assist shall schedule and provide paratransit service to any ADA paratransit eligible person at any requested time on a particular day in response to a request for service made the previous day.

ACT Assist shall make reservation service available during at least all normal business hours of the administrative offices, as well as during times comparable to normal business hours, on a day when the offices are not open before a service day.

Pickup times may be negotiated with the individual, but ACT Assist shall not require an ADA paratransit eligible individual to schedule a trip to begin more than one hour before or after the individual's desired departure time.

ACT Assist permits advance reservations to be made up to 14 days in advance of an ADA paratransit eligible individual's desired trips.

C. Fares

ACT Assist does not charge fares for use of ADA complementary paratransit service.

D. Trip Purpose Restrictions

ACT Assist shall not impose restrictions or priorities based on trip purpose.

E. Hours and Days of Service

ACT Assist service shall be available throughout the same hours and days as the ACT fixed-route service.

Currently, those days and hours are as follows:

Monday - Friday: 6:00 a.m. to 7:30 p.m.

Service is not offered on the following holidays:

New Year's Day
Martin Luther King
Day President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day and the day after
Christmas Day

F. Capacity Constraints

ACT Assist shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

1. Restrictions on the number of trips an individual will be provided;
2. Waiting lists for access to complementary paratransit service; or
3. Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons. Such patterns or practices include, but are not limited to, the following:
 - a. Substantial numbers of significantly untimely pickups for initial or return trips;
 - b. Substantial numbers of trip denials or missed trips;
 - c. Substantial numbers of trips with excessive trip lengths;
 - d. Excessive telephone wait times to make a reservation.

Performance data will be collected and reported for the purpose of establishing whether capacity constraints exist. The Los Alamos County Transportation Board has established the following performance criteria for the purpose of making such a determination:

- Missed Trips - 98% of all trips scheduled will be provided as scheduled
- Late Pick-Ups - 90% of all pick-ups will be on time (within the 30- minute scheduling window)

- Late Drop-Offs - 90% of all drop-offs will be on time (at the time of the customer's appointment or at the scheduled time of drop-off)
- Denials - Goal is 0% of trip request will be denied
- Ride Time - 99% of ride times will be 45 minutes or less
- Call Wait Time - 95% of calls will be answered within one minute

SUBSCRIPTION SERVICE

ACT Assist will provide subscription service as part of its complementary paratransit system for trips that are scheduled on the same days, at the same times and to the same destination(s) on a recurring basis. However, subscription service shall not absorb more than fifty (50) percent of the number of trips available at a given time of day, unless there is non-subscription capacity.

ACT Assist may establish waiting lists or other capacity constraints and trip purpose restrictions or priorities, as needed, in the subscription service only.

HOW TO MAKE A RESERVATION

Plan Ahead:

Be sure to make your reservation as early as possible, up to 14 days in advance. The earlier you schedule your ride, the better opportunity to get your requested trip without the need for negotiation for an adjustment. If your requested time is not available you may be offered a negotiated time of up to one hour before or after your request. If an available time within those guidelines is not workable for you, have an alternate plan for other transportation or for rescheduling at another time or day. If you refuse an available negotiated time within the one hour before or after negotiated time, it is not considered a denial of service on the part of ACT Assist.

If your pick-up is at an apartment, condominium or townhouse complex, nursing home, or adult program/day care center, it is the responsibility of the customer to let the scheduler know if there are any special instructions needed, such as security gated entries, apartment building number, or multiple entries to large institutions. Otherwise, ACT Assist drivers will pick-up and drop-off at the main entrance or designated/predetermined locations. If the customer fails to inform the scheduler of special instructions and the trip is missed as a result, it will be recorded as a "no-show."

Plan Your Trip Carefully:

ACT Assist is a "shared-ride" service, so you will often be traveling with other customers. Remember to allow for time spent picking up and dropping off other customers before

reaching your destination and be prepared for the possibility of delays due to traffic or bad weather. For example, if you must be somewhere at 10:00 a.m., let ACT Assist know and your pick-up time will be scheduled on that basis. When scheduling a return trip, please consider any unexpected delays you may encounter. For example, if you expect to be ready at 3:00 p.m., please ask for a 3:15 p.m. return time. It is better to wait a few minutes than miss your scheduled ride. The ACT Assist scheduler can help you determine the most efficient way to schedule your trip.

Allow ample time to finish appointments. This is needed so you will be ready to board the vehicle at your scheduled pick-up time. Be aware of opening and closing times at your destination to avoid waiting outside the building before or after business hours.

If you are going to a doctor's office or other medical appointment, let the person who is making your medical appointment know you will be using ACT Assist paratransit service. Ask the appointment scheduler how much time should be allowed for the appointment; this will help you to set your return time. Please allow enough time for your appointments. If you miss your ride home because you underestimated how long the appointment will take, the needs of other paratransit customers may not allow ACT Assist to make a second trip for pick-up. In this case, you will need to find alternative transportation home. If ACT Assist is able to return a second time, the needs of other customers may require that you wait additional time after you have completed your appointment. In this case, please be patient. It is your responsibility to determine with your doctor how much time to allow for medical appointments.

To Schedule a Ride:

ACT Assist may be reached at (505) 661-4545, Monday - Friday, 8:00 a.m. to 5:00 p.m. Calls on weekends and holidays will be taken by voicemail.

- 1) Reservations can be made for the next operating day and up to 14 days in advance.
- 2) Requests for next-day service received after normal business hours will be accommodated as space is available.
- 3) Same day service may be provided if space is available.
- 4) When making a reservation, please schedule a time for your return trip. Waiting until the last minute to schedule a return trip could result in a long wait.
- 5) Staff will try to accommodate changes made to a reservation after normal business hours the day before your trip, but there is no guarantee.
- 6) When making a reservation, please be ready to provide:
 - Your name
 - The telephone number where you can best be reached regarding scheduling and service
 - Your pick-up address
 - The date on which you wish to ride
 - The time at which you wish to be picked up (or, if you have an

- appointment, the time of your appointment)
- Your drop-off address
- The approximate time at which you wish to be picked up for your return trip
- Whether you will be using a wheelchair or other mobility device

NOTE: ACT Assist will carry a wheelchair/mobility device and its user as long as the lift/ramp can accommodate the size and weight of the device and its user, and there is space for the device on the vehicle. ACT Assist will NOT carry a wheelchair/mobility device if, in fact, the lift/ramp or vehicle is unable to accommodate the device and its user, consistent with legitimate safety requirements.

- Whether a personal care attendant (PCA) will be riding with you. Space is guaranteed for one PCA to accompany you.
- Whether a companion will be riding with you. Space is guaranteed for one companion to accompany you – in addition to the PCA.
- Whether a service animal will be riding with you.

ACT Assist requires you to reserve a space for your PCA or companion(s) when scheduling your reservation. If more than one person accompanying you is designated as your PCA, only one will be allowed to ride as the PCA. To maximize space available, accommodations for more than one traveling companion are granted on a *space-available* basis and only if the transportation of additional persons will not result in a denial of service to ADA paratransit eligible individuals. Please remember, the request should be made when scheduling your reservation. To inquire about space availability, call ACT Assist at (505) 661-4545.

NOTE: Personal care attendants and companions MUST have the same origin and destination as the customer they are accompanying.

Children:

Children accompanying a certified customer are considered traveling companions and a space must be reserved for them when scheduling a trip.

An adult accompanying a child on ACT Assist is responsible for the child. Drivers are not permitted to carry children on or off the vehicle. If you will need assistance with the child, please bring someone else along to assist you.

If the child is 5 years of age or younger, or weighs less than 40 pounds, ACT Assist strongly recommends that the child be secured in a child safety seat. ACT Assist does not provide safety seats for children, so you will need to bring your own.

Use of Portable Oxygen:

The Americans with Disabilities Act of 1990, as amended, provides that transportation service must be provided to a customer who needs to bring along a supply of oxygen. **For safety reasons, the customer must maintain control of the oxygen bottle(s).** If the customer cannot transport the oxygen bottle(s) safely or maintain control of the bottle(s) on his/her own, then the customer shall provide a PCA to perform those functions.

Service Animals:

Service animals are permitted on ACT Assist vehicles. You must indicate on your application that you use a service animal. Please fill out a description of the service animal such as type of animal, color and the name of the service animal. Also, when scheduling your trip, if you use a service animal, please let the scheduler know your service animal will be accompanying you on your trip. All service animals must be controlled by the customer, PCA or companion at all times.

Pets:

Animals that are not service animals, including emotional support animals, are not permitted on ACT Assist vehicles at any time.

Please Keep in Mind:

It is our goal to provide the greatest number of customers with safe, prompt, efficient and friendly service. Therefore, we are unable to honor specific requests for the following:

- Specific drivers
- Specific seats
- A particular vehicle
- Specific routes with certain customers

HOW TO RIDE

Both ACT fixed-route buses and ACT Assist paratransit vehicles are ADA compliant and accessible by wheelchair/mobility device. Riding ACT Assist is equivalent to riding the ACT fixed-route system in that there is a scheduled arrival time for the vehicle and you must be ready when the vehicle arrives. Also, there may be additional stops before reaching your destination.

Please remember:

- ACT Assist is an “origin to destination” service
- ACT Assist is a “shared-ride” service
- The driver may not make unscheduled stops
- If other customers get on or off the vehicle before your stop, you may need to temporarily move to accommodate these customers
- No assistance will be provided beyond the entrance of your origin or destination. If you require further assistance, a PCA or companion should accompany you

- You may ride from any origin in the ACT Assist service area for any purpose as long as a reservation has been made

The vehicle will arrive within a 30-minute window of your scheduled pick-up time. For example, if your pick-up time is scheduled for 8:00 a.m., the reservationist may tell you, “We will pick you up between 8:00 a.m. and 8:30 a.m.” The vehicle will wait 5 minutes after it arrives at the designated pick-up site within the 30-minute window. For example, if the vehicle arrives right at 8:00 a.m., it will wait until 8:05 a.m. If the vehicle arrives before 8:00 a.m., it will wait until the window begins, plus the 5 minutes. It is your responsibility (along with your PCA or companion) to be available to board the vehicle during the 30-minute pick-up window.

If the vehicle is more than 30 minutes late for your scheduled time, please call ACT Assist at (505) 661-4545 and a dispatcher will check the arrival time.

Eating, drinking (including consumption of alcohol), chewing tobacco, smoking (including e-cigarettes), littering or listening to audio devices without earphones will not be permitted. Shirts, shoes (or equivalent) and other appropriate clothing must be worn. Customers should refrain from engaging in inappropriate/distracting conversation with the driver.

DRIVER ASSISTANCE POLICY

Drivers are not permitted to enter any home or go beyond the threshold of any building. Drivers are required to maintain visual contact with the vehicle at all times. Drivers may enter into the main lobby of a business for the exclusive purpose of notifying a customer that the vehicle is available for boarding, provided they are able to maintain line-of-sight contact with the vehicle at all times.

In locations where drivers cannot maintain line-of-sight with their vehicle and go to the door to notify customers of the arrival of their ride, customers may request telephone notification of the vehicle's arrival for that specific location. As this request may require special arrangements with third parties and is subject to review, please contact us at (505) 661-4545 to make the request.

Drivers are not permitted to maneuver a mobility device up or down stairs. Drivers are not permitted to physically lift customers. Drivers will assist the customer to board and alight the vehicle, but cannot load and unload the customer's belongings or carry-on items. Customers needing more assistance than the drivers are allowed to provide are encouraged to make other arrangements for assistance at their pick-up and drop-off points. One PCA may ride with the customer as needed, and space is guaranteed for one companion to accompany the customer. Additional companions will be accommodated on a space available basis.

WHAT TO DO IF YOU MUST CANCEL YOUR TRIP

If you need to cancel a trip, call ACT Assist at (505) 661-4545 at least **one hour** prior to the scheduled pick-up time. Failure to do so will result in you being assessed a "late cancellation."

WHAT TO DO IF YOU MISS YOUR TRIP

If you miss your scheduled trip, you may be assessed a "no-show." Contact ACT Assist at (505) 661-4545, Monday - Friday, 8:00 a.m. to 5:00 p.m., to request a new trip to be scheduled on a same day, space available basis.

NO-SHOW AND LATE CANCELLATION POLICY

ACT Assist customers who establish a pattern or practice of no-shows or late cancellations may lose their riding privileges for a designated period of time.

"No-show" is defined as when a customer does not cancel a scheduled trip and is unavailable at the agreed upon pick-up time window and location - and ALL of the following occur:

- The vehicle is at the correct pick-up location within the 30-minute window (no earlier than the scheduled pick-up time and no later than 30 minutes after the scheduled pick-up time);
- The vehicle has waited 5 minutes for the customer;
- The driver has contacted the dispatcher to report a possible no-show;
- The dispatcher confirms the scheduled pick-up time and correct location with the driver; and
- The dispatcher has attempted to call the customer at the telephone number of record.

"Late cancellation" is defined as when a customer does not cancel a scheduled trip at least one hour prior to the scheduled pick-up time.

Because no-shows and late cancellations may cause lost trips for other customers, it is necessary to enforce a no-show and late cancellation policy. This policy is as follows:

- Three (3) no-shows and/or late cancellations within any thirty (30) day period will result in a warning letter.
- Five (5) no-shows and/or late cancellations within any thirty (30) day period will trigger a review of the customer's no-show and late cancellation frequency.
- Customers who are found to have a pattern or practice of abuse representing at least fifteen (15) percent of their total scheduled trips within any thirty

- (30) day period will be suspended from ACT Assist service for a period of two consecutive operating days.

If subsequent reviews reveal a continued pattern or practice of abuse, the customer will be suspended as follows:

- Two (2) violations within one year - suspension for three (3) consecutive operating days.
- Three (3) violations within one year - suspension for four (4) consecutive operating days.
- Four (4) violations within one year - suspension for five (5) consecutive operating days.
- Five (5) or more violations within one year - suspension for seven (7) consecutive operating days.

ACT Assist is committed to working with individuals to address the causes of no-shows and late cancellations so these persons can continue to use the service.

A no-show or late cancellation due to ACT Assist error will not be counted. Likewise, a no-show or late cancellation due to circumstances beyond your control will not be counted, if you notify ACT Assist at (505) 661-4545 during normal business hours. Documentation may be required. You may also contest a no-show or late cancellation that has been assessed by contacting ACT Assist at (505) 661-4545.

NOTE: ACT Assist will not cancel the return leg of any scheduled trip unless it has made contact with the customer to confirm that the return trip is not needed.

EXCESSIVE CANCELLATION POLICY

Even when a trip is cancelled at least one hour before the established pick-up time, a pattern of excessive cancellations causes the paratransit service to not be available at the times other customers desire service. Please be courteous to your fellow riders by scheduling and using the trips you may need. Try not to cancel excessively to allow others to use the program.

ACTIONS RESULTING FROM PATTERN OR PRACTICE OF NO SHOWS AND LATE CANCELLATIONS

You will be notified in writing, via certified mail, before ACT Assist takes any steps that may result in suspension of service. The letter will provide the following:

- Notification of how many no-shows or late cancellations have been assessed;
- Details on the date, time and location of all scheduled pick-ups that resulted in a no-show being assessed;

- Explanation of how no shows or late cancellations impact the paratransit service and other customers;
- Explanation of your pending loss of riding privileges;
- Effective date of suspension;
- Opportunity for you to contest the assessment of a no-show or late cancellation or demonstrate that a no-show or late cancellation was due to circumstances beyond your control; and
- Instructions on how to appeal the decision to suspend (see Appeals Procedures below).

ACT Assist will allow 15 days between the receipt via certified mail of a notice of proposed suspension of service and the date on which the suspension becomes effective. There will be no loss of service while an appeal of a suspension is in progress.

HOW TO COMMENT ON ADA PARATRANSIT SERVICE

We can only resolve problems if we are informed, so please do not hesitate to contact us. Should you have questions or comments about the service, please call ACT Assist at (505) 661-4545 or send us a letter to: ACT Assist, 101 Camino Entrada, Building 1, Box 1, Los Alamos, NM 87544.

If you would like to file a complaint alleging any action in violation of this ACT Assist ADA Complementary Paratransit Policies & Procedures manual, you must submit it to ACT Assist, 101 Camino Entrada, Building 1, Box 1, Los Alamos, NM 87544. ACT Assist will promptly address all complaints and respond to complainants in writing.

SAFETY

A customer may be subject to any reasonable accommodation requirement that will ensure the safety of themselves, other customers and drivers. For example, a customer may be required to ride with a PCA if the customer is unable to safely board a vehicle on his/her own.

Please remain seated with your seat belt fastened at all times.

CUSTOMER CODE OF CONDUCT

It is ACT Assist policy to provide the safest and most efficient service to our customers. Customers who abuse the following Code of Conduct guidelines can adversely affect the ACT Assist program as a whole. For the safety and comfort of all customers, ACT Assist has established these policies that address instances when a customer's conduct may adversely

affect others involved with the ACT Assist program. The following identifies the ACT Assist policy on customer misconduct.

- 1) **Electronic Equipment** - Customers may not operate any audio or visual equipment without headsets, or which infringes upon other customer's safety or comfort, or impairs the driver's ability to transport customers safely.
- 2) **Hazardous Conduct** - Any act that creates the potential for injury or death to any customer, driver or the general public.
- 3) **Abusive Conduct** - Any abusive, offensive, or threatening act or behavior that affects the safety or security of the driver and/or customers, or invades the privacy rights of others such as touching another person in a rude, insolent or angry manner. Sexual harassment, verbal or physical, will not be tolerated. Examples also include profanity, screaming, hitting, etc.

Consequences of Misconduct

Due to the wide variety and severity of misconduct, ACT Assist reserves the right to determine the consequences ranging from a warning to a suspension of service.

No customer that has been suspended shall lose his/her eligibility for paratransit service by reason of said suspension. Customers will be notified in writing before ACT Assist takes any action. An eligible customer whose service is to be suspended because of misconduct has a right to request a hearing through the appeals process (see Appeals Procedures below).

Consequences of Unintentional Misconduct

Any act that would qualify as misconduct, but is the direct and immediate act of the customer's disability, such as abusive language that is the consequence of Tourette's syndrome, or socially unacceptable behavior brought on by a mental illness, shall be considered Unintentional Misconduct. Consequences of Unintentional Misconduct will be addressed as noted below after counseling with the customer.

1. A customer may be subject to any reasonable accommodation requirement that will ensure the safety of all customers and drivers.
 - a. A customer may be required to ride with a PCA.
 - b. A customer may be required to attend training or receive additional counseling in proper conduct on transit vehicles.
2. The accommodation requirement may last for a time period sufficient to allow the customer to learn appropriate behavior.
3. The accommodation requirement may be permanent if the conduct is beyond the customer's control.
4. If a customer commits an act of misconduct that he/she has been trained to know is inappropriate, that act will be considered as intentional.

PUBLIC INVOLVEMENT

A. Goal

ACT Assist is committed to providing on-going mechanisms to involve the public in decisions regarding its services, policies and procedures.

B. Transportation Board

Los Alamos County has created a Transportation Board for the purpose of receiving on-going input from ADA paratransit eligible customers. Board members are appointed by the County Council and may include persons with disabilities and representatives of public and private organizations serving the needs of the disabled community. The Transportation Board meets monthly.

C. Customer Satisfaction Surveys

Customer satisfaction surveys will be mailed at least bi-annually to all certified ADA complementary paratransit customers. These surveys will measure customer satisfaction with aspects of ACT Assist services such as prompt telephone answering, scheduling courtesy, ability to get requested pick-up time, timeliness of pick-ups and drop-offs, response time for return trip, amount of time traveling, courtesy of drivers, level of assistance by drivers, safety of service, and general satisfaction with service. The results of these surveys will be compiled and reported to the Transportation Board.

D. Public Hearings

Public hearings will be held on an as-needed basis to obtain input from persons with disabilities on such topics as proposed service changes, proposed fare increases and other similar topics. The Transportation Board meetings may also serve as public hearings, if the item(s) are posted on the agenda in the usual manner.

E. Accessible Formats

ACT Assist is committed to providing information about its services, policies and procedures to the public in accessible formats for persons with disabilities.

All public information materials including, but not limited to, the ADA complementary paratransit policies and procedures, application forms, Rider's Guide, service change announcements, customer satisfaction surveys and customer comment cards will be made available in accessible formats upon request.

Based upon input received from persons with disabilities, ACT Assist will normally stock materials in large print. Braille, languages other than English and other formats requested will be provided within a reasonable period of time.

ADA APPEALS COMMITTEE

A. Goal

The ADA Appeals Committee is committed to providing due process for any person with a disability who has been denied eligibility for ADA complementary paratransit service or who has been notified of a pending service suspension.

The process shall include an opportunity to be heard and to present information and arguments, separation of functions (e.g., a decision by a person not involved with the initial decision), and written notification of the decision and the reasons for it.

B. Committee Composition

The ADA Appeals Committee will be made up of three individuals, one individual from each of the following: Los Alamos County Human Resources, Los Alamos County Risk Management and Los Alamos County Transportation Board; and will meet on an ad hoc basis for the purpose of hearing appeals and rendering decisions. The Los Alamos County Public Works Director will serve as an 'ex officio' member of the committee, but will abstain from voting.

C. Committee Duties

The ADA Appeals Committee will be responsible for meeting as needed to hear appeals filed by persons with disabilities who have been denied eligibility for ADA complementary paratransit service or who have been notified of a pending service suspension. The Committee may make a decision based solely upon the information provided by the appellant and/or appellant's representative, and Atomic City Transit.

APPEAL PROCEDURES

ACT Assist has adopted the following procedures as the mechanism for resolving appeals relative to the ADA complementary paratransit services, policies and procedures. These procedures have been established to ensure prompt and equitable resolution of appeals of any individual with a disability who has been denied eligibility for ADA complementary paratransit service or notified of a pending service suspension.

Filing a Request for Hearing

- A hearing to appeal a decision denying eligibility or to suspend paratransit service will be held only after receipt of a written Request for Hearing to ACT Assist.
- Requests for Hearing must be in writing and must contain the name, address and telephone number of the person(s) requesting the hearing (Requester), and the name of the ACT Assist service user if different from the Requester.
- Requests shall be directed to ACT Assist, 101 Camino Entrada, Building 1, Box 1, Los Alamos, NM 87544, ATTN: Senior Office Specialist.

- Persons submitting a Request for Hearing are required to include a statement of the reason(s) why they believe the decision to deny eligibility or suspend service is inappropriate.
- Requests for Hearings must be filed in the following time frames:
 - a. For eligibility denials - Within 60 calendar days after a person has received written notice to deny eligibility
 - b. For service suspensions – Within 10 calendar days after a person has received written notice of a pending suspension
- Requests for Hearings will be deemed filed when received by ACT Assist.

Responsibilities of ACT Assist and Requester

- The ADA Appeals Committee will set the time and place of the hearing when the request is filed (received) and will notify the Requester.
- The time of the hearing will be within 30 calendar days of the time the Request for Hearing was filed (excluding holidays).
- Hearings may be postponed or rescheduled only upon written request to the ADA Appeals Committee and for good cause.
- Upon mutual agreement of the parties – and approval of the ADA Appeals Committee Chair – the hearing may be postponed or rescheduled.

Conduct of Hearings

The manner of conducting hearings is under the direction, control and discretion of the ADA Appeals Committee. These guidelines govern issues, evidence and documents:

- The issues to be decided at the hearing are limited to those set forth in the notice to deny eligibility or suspend service, and the Request for Hearing.
- Evidence commonly relied upon by reasonable, prudent persons will be heard and considered. Specifically, this includes statements (oral and written), documents and copies of documents, official and business reports, and records not certified as such.
- Irrelevant, immaterial, redundant or unduly repetitious evidence will be excluded.
- A record of the hearing (electronic or otherwise) will be kept, as determined by the ADA Appeals Committee.
- A verbatim transcript of the proceedings, if desired, must be provided and paid for by the Requester.

Decisions

All decisions will be in writing. Decisions will be rendered at the conclusion of the hearing or as soon thereafter as a decision can be made. The ADA Appeals Committee will normally render a decision within 30 calendar days of the date of the hearing. Within five (5) business days of the ADA Appeals Committee's decision, the Requester will be notified in writing of

the decision and the reasons for the decision.

Requesters who are not satisfied with the decision of the ADA Appeals Committee may appeal, in writing, to the Los Alamos County Manager's Office within five (5) business days after receiving written notification of the ADA Appeals Committee decision. The County Manager's Office shall respond in writing within ten (10) business days of receiving the appeal. The decision of the County Manager's Office shall be final.

Service Provisions During Appeals

For persons appealing eligibility denials, no service will be provided during the period of time the appeal is being considered by the ADA Appeals Committee.

However, if an appeal has not been decided within 30 calendar days of the date of the hearing, presumptive eligibility will apply and unconditional ADA complementary paratransit service will be provided until such time as the committee renders a decision.

For persons appealing pending service suspensions, service will continue to be provided during the entire period of time the appeal is being considered.

The suspension, if upheld, will not become effective until such time as the ADA Appeals Committee has rendered a final decision. In the event the ADA Appeals Committee decision is appealed, the suspension, if upheld, will not become effective until such time as the County Manager's Office has rendered a final decision.

EXHIBITA - DEFINITION OF ADA PARATRANSIT ELIGIBLE

The U.S. Department of Transportation Americans With Disabilities Act of 1990 defines “ADA paratransit eligible,” in part, as:

1. Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities.
2. Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route.
 - (i) An individual is eligible under this paragraph with respect to travel on an otherwise accessible route on which the boarding or disembarking location which the individual would use is one at which boarding or disembarking from the vehicle is precluded as provided in §37.167(g) of this part.
 - (ii) An individual using a wheelchair is eligible under this paragraph if the individual’s wheelchair cannot be accommodated on an existing vehicle, (e.g., because the vehicle's lift does not meet the standards of part 38 of this title), even if that vehicle is accessible to other individuals with disabilities and their mobility wheelchairs.
3. Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system.
 - (i) Only a specific impairment-related condition which prevents the individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this paragraph. A condition which makes traveling to a boarding

location or from a disembarking location more difficult for a person with a specific impairment-related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility under this paragraph.

- (ii) Architectural barriers not under the control of the public entity providing fixed-route service and environmental barriers (e.g., distance, terrain, weather) do not, standing alone, form a basis for eligibility under this paragraph. The interaction of such barriers with an individual's specific impairment-related condition may form a basis for eligibility under this paragraph, if the effect is to prevent the individual from traveling to a boarding location or from a disembarking location.

(See 49 CFR §37.123 – ADA paratransit eligibility: Standards)

Generally, the following four tests are applied when determining an applicant's eligibility:

1. Does the individual's disability prevent him/her from getting to and from a bus stop at the point of origin or destination?
2. Can the individual board, utilize and disembark the vehicle at the bus stop?
3. Can the individual recognize the destination and disembark the bus?
4. If the customer's trip requires transfers, are the paths of travel between routes accessible and navigable by the individual?