

RESOLUTION NO. R-2011-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, APPROVING ADOPTION OF A REVISED AMERICANS WITH DISABILITIES ACT PARATRANSIT PLAN FOR COMPLEMENTARY PARATRANSIT SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to promote the general welfare of the citizens of Tyler; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution, and other statutory authority; and

WHEREAS, the Americans with Disabilities Act of 1990 (ADA), as amended, prohibits discrimination and ensures equal opportunity and access for persons with disabilities; and

WHEREAS, the City of Tyler, through Tyler Transit, currently operates a fixed route transportation system to serve the citizens of Tyler; and

WHEREAS, the Americans with Disabilities Act regulations require Tyler Transit, as a public entity that operates a fixed route system, to provide complementary paratransit services to individuals with disabilities; and

WHEREAS, the City of Tyler has been operating under a Paratransit Plan adopted in the 1990's; and

WHEREAS, it is important to revise and adopt an updated Paratransit Plan; and

WHEREAS, it is important to establish rules for ADA eligibility for complementary paratransit services, and to specify an appeals process for denial of ADA eligibility; and

WHEREAS, it is important to specify the standards associated with the Plan, including fares, response time, hours and days of service, riding policies, visitor policies, and other services; and

WHEREAS, the federal regulations mandate extensive input and participation by the disabled community when creating the Plan; and

WHEREAS, the federal regulations mandate participation by transportation providers when creating the Plan; and

WHEREAS, Tyler City Code Section 1-92.f. states that one of the functions of the Tyler Disability Issues Review Board is to address paratransit issues in conjunction with the City's paratransit plan; and

WHEREAS, on 5/6/10, 7/1/10, 11/4/10 and 12/9/10, the Disability Issues Review Board conducted public hearings on the Plan; and

WHEREAS, the City of Tyler has obtained input on the plan from persons with disabilities and transportation providers through surveys and public hearings; and

WHEREAS, on 12/9/10, the Disability Issues Review Board voted unanimously to recommend adoption of the Plan to the City Council; and

WHEREAS, the City of Tyler's Metropolitan Planning Organization has certified that it has reviewed the ADA Paratransit Plan prepared by the City of Tyler as required under 49 CFR Part 37, 139(h) and has found it to be in conformance with the transportation plan developed under 49 CFR Part 613 and 23 CFR Part 450 (the FTA/FHWA) joint planning regulation); and

WHEREAS, it is considered to be in the public interest to adopt the attached ADA Paratransit Plan for Complementary Paratransit Services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: Consistent with the Americans with Disabilities Act, it is the intent of the Tyler City Council to ensure non-discriminatory, equitable, accessible and safe public transportation that enhances the social and economic quality of life for persons with disabilities; and

PART 2: That the City Council hereby finds that the City has received extensive input from, and participation by, the disabled community and transportation providers when creating the Plan.

PART 3: That the City Council is in receipt of the specific recommendations of the Disability Issues Review Board and Metropolitan Planning Organization.

PART 4: That the City Council hereby approves and adopts the ADA Paratransit Plan for Complementary Paratransit Services attached hereto as Exhibit "A", which is hereby incorporated herein.

PART 5: That the City Council hereby finds that adoption of the attached ADA Paratransit Plan for Complementary Paratransit Services is in the public interest.

PART 6: That this resolution shall become effective immediately from and after its passage and approval by the City Council.

PASSED AND APPROVED this 12th day of January, A.D., 2011.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

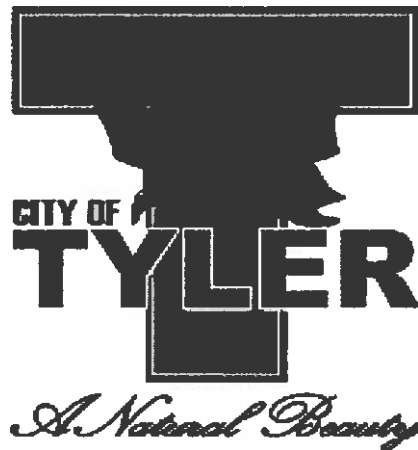


CASSANDRA BRAGER, CITY CLERK





GARY C. LANDERS, CITY ATTORNEY



ADA Paratransit Plan
For
Complementary Paratransit Services
City of Tyler - Tyler Transit
Revised December, 2010

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Definition of Complementary Paratransit Service

The Americans with Disabilities Act regulations require Tyler Transit, as a public entity that operates a fixed route system, to provide complementary paratransit services to individuals with disabilities (that is, service that is comparable to the level of service provided to individuals without disabilities who use the fixed route system). See 49 CFR Sec. 37.131 (a).

Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity and access for persons with disabilities. It provides the general framework and approach for ending discrimination for persons with disabilities. The stated national goals of the ADA are to guarantee that persons with disabilities have equality of opportunity, a chance to fully participate in society, ability to live independently and be economically self-sufficient.

Section 223 of the Americans with Disabilities Act of 1990 requires that public entities that operate non-commuter fixed-route transportation service also provide complementary paratransit service for individuals unable to use the fixed-route system. The regulations define minimum service characteristics that must be met for this service to be considered equivalent to the fixed-route service it is intended to complement. ADA complementary paratransit standards are provided for in 49 CFR §37.123 of the Code of Federal Regulations.

In general, the law prohibits public transit systems from denying individuals with disabilities the opportunity to use public transportation services, if the individuals are capable of using the system. It also prohibits public entities from providing services that discriminate against persons with disabilities. The ADA is an opportunity to develop programs that will ensure the integration of all persons into not just the transportation system of America, but all of the opportunities transportation makes possible. The goal is to ensure non-discriminatory, equitable, accessible and safe public transportation, enhancing the social and economic quality of life for people with disabilities. Specific actions must be taken by public transit agencies to avoid discrimination. For example, the law requires that:

1. All newly purchased or leased vehicles used in fixed-route service must be accessible to persons with disabilities.
2. Public agencies which provide fixed-route public transportation service also must offer similar complementary paratransit services to individuals with disabilities who are unable to use the fixed-route system.
3. New facilities must be accessible.
4. Alterations to facilities must include features to make them accessible.

Tyler Transit complies with all requirements of the Americans with Disabilities Act.

ADA Effect on Transportation Services Provided By Tyler Transit

The ADA regulations require Tyler Transit, as a public entity who operates a fixed route system, to provide complementary paratransit service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route transit system per 49 CFR §37.131(a). ADA regulations require service area to be within ¾ mile of the fixed-route system. Per 49 CFR §37.131(g), public entities may provide complementary paratransit service to ADA paratransit individuals exceeding that required by Sec. 37.131. Accordingly, since the 1990's, Tyler Transit's complementary paratransit service area has included the entire City limits of Tyler. Tyler Transit serves all eligible citizens in the corporate city limits of Tyler.

Other Entities Providing Complementary Paratransit Services in Tyler Transit Service Area

49 CFR §37.131(a) requires that this plan identify any person or entity (public or private) which provides a Para transit or other special transportation service for ADA paratransit eligible individuals in the service area to which the plan applies. Other entities providing complementary paratransit services in the Tyler Transit Service include the East Texas Council of Governments (ETCOG), serving passengers whose origin or destination are outside Tyler Transit's service area; NDMJ Transportation, Ltd, a Tyler, Texas-based private transportation services company currently operating under a New Freedom Grant received in 2009; and various human service providers serving a limited customer base. Tyler Transit shall work with all area providers of complementary paratransit services to avoid duplication of services where possible.

Rules for ADA Eligibility for Complementary Paratransit Services

ADA complementary paratransit service must be provided to all passengers described as being ADA eligible under 49 CFR §37.123. ADA eligibility includes the following:

1. Any individual with a disability who is unable, as a result of a physical or mental impairment (including a visual 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 an accessible vehicle in the system. Included in this category are individuals with mental or visual impairments who cannot navigate the system.
2. Persons who cannot use vehicles without lifts or accommodations. These persons are eligible for paratransit service if accessible fixed-route vehicles are not available on the bus routes in which they need to travel, when they need to travel during operational hours of Tyler Transit.
3. Persons with specific impairment related conditions that cannot travel to a boarding location or from a disembarking location to their final destination. The condition must prevent the person from using the fixed-route system. Conditions that make getting to the fixed-route bus stop "more difficult" do not grant eligibility. Second, architectural barriers (such as no curb cuts) not under the control of Tyler Transit, and environmental

barriers (such as distance, terrain, and weather) do not, when considered alone, confer eligibility. If, however, travel to or from a boarding location is impossible when these factors are combined with the person's specific impairment-related condition, conditional paratransit service will be provided to eligible passengers.

**How to Become Certified as ADA eligible
For Complementary Paratransit Service**

Applications for certification as being ADA eligible for Tyler Transit's complementary paratransit service are available at Tyler Transit's offices located at 210 East Oakwood, Tyler Texas 75702 or a request for a copy to be mailed can be made by calling the Tyler Transit office at (903) 533-8057. Applications are also available for download from Tyler Transit's website located at www.cityoftyler.org by clicking on City Departments then Tyler Transit. This site also includes hours of operation, holiday schedule, ticket information, bus route map, weekly fixed-route schedule, and Saturday fixed-route schedule.

Once the application is received, Tyler Transit will notify the applicant within twenty-one (21) days of his/her eligibility status. If a determination has not been made within 21 days of receiving the completed application, the applicant will be treated as eligible and will be provided service until or unless Tyler Transit denies the application. The applicant will receive a letter verifying whether eligible for service or not. If denied, Tyler Transit will state specifically the reason for the denial. For visually-impaired customers, a phone call will be made in addition to the letter.

Certification applications are available to anyone who requests them and are made available electronically at www.cityoftyler.org. Certifications are renewed every three (3) years.

**Temporary Disability Eligibility For
Complementary Paratransit Service**

Any individual with a temporary disability, for the purpose of determining ADA eligibility will be subject to the same standards as those with permanent disabilities. Certification of eligibility in such cases will be subject to a specific expiration date.

Appeals Process for Denial of ADA Eligibility

The City of Tyler Administrative Appeal procedures are established in Tyler City Code Chapter 1, Article IV. Tyler Transit has established an administrative appeals process through which an individual who has been denied ADA complementary paratransit eligibility can obtain review of the denial.

1. Appeal of the denial to certify an individual as ADA paratransit eligible must be filed within 60 days of written notification of the determination.
2. Upon issuance of the denial, Tyler Transit will provide the individual with the opportunity to be heard and to present information and arguments to an individual not involved with the initial decision to deny eligibility. Tyler Transit will again provide

written determination as to the decision made upon completion of the appeals process and the reasons for it.

3. Any person aggrieved by the decision of the initial decision maker may appeal to the Department Leader for Tyler Transit.
4. Any person aggrieved by the decision of the Department Leader may appeal to the City Manager. Any person aggrieved by the decision of the City Manager may appeal to the City Council. Such appeals shall be governed by Tyler City Code Sections 1-30 through 1-35.
5. Tyler Transit will provide complementary paratransit service to the applicant pending the final determination of the appeal.
6. If a customer appeal is denied and the applicant thinks the ADA paratransit eligibility process was unfair, the applicant can file a complaint with the Federal Transit Administration Office of Civil Rights 1200 New Jersey Ave., SE, Washington D.C. 20590 (202) 366-648 (Voice) (202) 366 8538 (TTY).

ADA Eligible Visitors Policy

In accordance with the federal regulations published by the United States Department of Transportation, Tyler Transit will make complementary paratransit service available to any individual with disabilities who does not reside in the jurisdiction served by Tyler Transit.

Tyler Transit will treat as eligible all visitors who present documentation that they are ADA eligible under the ADA paratransit eligibility criteria in the jurisdiction in which they reside.

All visitors requesting complementary paratransit service in the jurisdiction in which Tyler Transit provides service, who do not present such documentation, will be required by Tyler Transit to show documentation of the individual's place of residence and documentation of his or her disability. Tyler Transit shall accept certification from such an individual, that he or she is unable to utilize fixed-route transit service.

Tyler Transit will provide complementary paratransit service to said visitor, who does not have documentation that he/she is ADA eligible, for no more than 21 days from the first day of service to such an individual. In order to receive service for the 21-day period, the visitor will be required by Tyler Transit to apply for eligibility under the process for determining ADA paratransit eligibility that it has established.

How Tyler Transit's ADA Complementary Paratransit Service Meet The Requirements of the Americans with Disabilities Act Regulations

Under Tyler Transit's Complementary Paratransit Service Plan, the level of service provided to persons determined to be ADA eligible is similar to Tyler Transit's fixed-route bus service. Six service criteria are included in the regulations. The following is a description of how Tyler Transit's complementary paratransit service meets or exceeds the six service criteria:

SERVICE AREA:

ADA complementary paratransit service is provided to all origins and destinations within the service area defined as the City limits of Tyler. For Tyler Transit, the basic service is not only centered on each fixed-route bus route and extending $\frac{3}{4}$ of a mile to either side of the fixed-route, but includes all areas within the City limits of Tyler. Tyler Transit has provided such service to all areas within the City limits since at least 1992.

RESPONSE TIME:

As stated in the regulations, pick up times will be negotiated with ADA eligible passengers to make scheduling more efficient. As a ride-sharing service, Tyler Transit is allowed to negotiate within a one-hour window on either side of the requested pick up time. Any negotiation of time will be discussed with the passenger prior to pick up. The vehicle can arrive 15 minutes before or after the agreed upon time.

FARE STRUCTURE:

Fares charged for an ADA eligible complementary service trip to ADA eligible users will be twice the amount of the base cash fare paid by passengers of the Tyler Transit fixed-route system. The 2010 fare for a one-way complementary paratransit trip is \$1.50. Tyler City Code Sec. 12-103.

Personal Care Attendants (PCA) traveling with the ADA eligible passengers will not be charged, as defined in the regulations. Passengers must be listed as having a PCA when filing the necessary application for ADA eligibility.

TRIP PURPOSES:

Requests for all types of ADA eligible trips will be accepted and provided within the service area.

HOURS AND DAYS OF SERVICE:

ADA complementary paratransit service shall be offered during the same days and hours that Tyler Transit offers fixed-route bus service. It is important to remember that a passenger must be certified as being ADA eligible before the passenger can make a reservation request.

Requests for Tyler Transit complementary paratransit service to certified ADA eligible users on a particular day will be accommodated as long as the reservation is made anytime during the previous day's business hours. Customers calling Tyler Transit requesting same day scheduling will be accommodated on a space available basis only if other providers cannot respond to the request and Tyler Transit is so notified. ADA complementary paratransit trips may be requested during the following times:

Tyler Transit office business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday

Tyler Transit uses an answering system after hours for cancelling trips or on Saturday and Sunday to schedule trips for Monday. Appointments can be made up to two weeks in advance.

Service is on a first-come, first-served basis and is a ride-sharing arrangement. In order for staff to coordinate trips effectively, requests for a specific driver or vehicle are not accepted.

CAPACITY CONSTRAINTS:

Tyler Transit does not maintain waiting lists which would constrain demand on paratransit capacity.

Tyler Transit does not limit the number of ADA eligible complementary paratransit trips to ADA eligible passengers of the public transportation system.

Since paratransit is a shared ride service, paratransit rides between Point A and Point B will usually take longer, and involve more intermediate stops, than a taxi ride between the same two points with one passenger in the vehicle. However, Tyler Transit does not intentionally schedule excessive trip lengths.

In the case of trips that Tyler Transit is unable to accommodate due to capacity restraints, Tyler Transit will work with all area providers of paratransit service to meet the excess demand. If a "capacity constraint" (more service) is identified and the City is unable to meet the excess demand, then the City will complete a competitive process to provide the expended service. During 2011, the City of Tyler intends to create a Transit Emergency Response/Disaster Plan in which the City will go through the competitive process and develop a response procedure to have in place in order to address excess demand.

Attendant Policy

Personal care attendants (PCA) will be permitted to accompany ADA eligible riders on ADA eligible trips at no charge. Tyler Transit will require that passengers state the need for a PCA when they request ADA eligibility certification. Tyler Transit does not provide PCA's.

One guest will be allowed to accompany an ADA eligible complementary paratransit passenger on their ADA eligible paratransit trip. More than one guest will be allowed on a space available basis. The PCA is not considered to be a "guest". A guest is required to pay the applicable paratransit fare.

Children under the age of 12 are required to be accompanied by a parent, guardian or another responsible adult.

Tyler Transit's Origin-to-Destination Assistance Policy

It is the policy of Tyler Transit to provide complementary paratransit services within the City limits of Tyler. Transportation service is provided by ADA accessible buses or mini-vans. Drivers are trained to provide minimal assistance only. Drivers are not trained to provide medical assistance.

To ensure timely service, Tyler Transit's complementary paratransit services are considered curb-to-curb. On a case-by-case basis, Tyler Transit drivers may provide door-to-door assistance, but in no case will they be expected to go beyond that level of service.

Shopping Trips

To ensure timely service, passengers are encouraged only to bring what they can carry on their own or with assistance of a personal care attendant (PCA). Passengers are welcome to bring a collapsible shopping cart on board the vehicle to assist them with their purchases.

Trip Cancellation Policy For a Scheduled Trip

There is no penalty for a cancellation as long as notice is given at least one (1) hour in advance of the scheduled pick up time. Passengers are encouraged to give as much notice as possible if unable to make the appointment. We ask that passengers be cooperative in reducing cancellations. Cancellations are disruptive to the overall operation and the time could have been scheduled by another passenger. If a passenger cancels a trip less than an hour before the scheduled pick up time, it will be a late cancellation and treated the same as a No Show.

Passengers should call Tyler Transit at (903) 533-8057 as soon as known to cancel any trips. Cancellations can be made by leaving a message on the answering system 24 hours a day 7 days a week, but every effort should be made to call during business hours which are between 8:00 a.m. and 5:00 p.m., Monday through Friday.

No Show Definition and Policy

We request that passengers be ready to be transported a few minutes ahead of schedule. Tyler Transit defines a No Show as occurring when all five of the following circumstances have occurred:

1. The customer (or the customer's representative) has scheduled ADA paratransit service.
2. There has been no call by the customer or his/her representative to cancel the scheduled trip one or more hours before the start of the pick-up window.
3. The paratransit vehicle has arrived at the scheduled pickup point by the scheduled pick up time.
4. The driver has waited at least 5 minutes beyond the scheduled pick up time, but the customer has failed to board the vehicle or refuses a trip.
5. The driver cannot reasonably see the customer approaching the vehicle.

It is important to note that if a No Show occurs, the return trip is automatically cancelled unless otherwise specified by the customer. This prevents the customer being charged two No Show fees in one day.

The following is the No Show policy for complementary paratransit service:

1. If a passenger is not ready at the scheduled pick up time or refuses a trip, the driver will be instructed by dispatch to continue with his/her regular schedule and the trip will be considered a No Show.
2. The drivers have been instructed to radio dispatch in the case of a No Show. When the driver notifies the office of the pending No Show, it must be verified by Dispatch or a supervisor. Dispatch or the supervisor will then enter the information on the Dispatch Screen in the transit dispatching system.
3. The driver must mark the Driver Manifest as a No Show with the correct time of pick up and mileage. The driver will select "No Show" on the Mobile Data Terminal (MDC) and mark his/her manifest as "No Show". This will show up on the MDC or Ranger on the unit if one is installed on the vehicle. Information will also be displayed in verification for office staff to view.
4. When verification is done on the vehicle, No Shows are displayed in verification and then the person doing the verification can send out a No Show letter to the customer. For visually-impaired customers, a phone call will be made in addition to the letter.
5. No Show letters are sent out the same day the verification took place. Passengers will be assessed a No Show fee of \$3.00 for either a No Show or a late cancellation.

Policy Relating to Non-Payment of No Show Fees

1. Payments for No Shows must be received in the office within fourteen (14) business days from the date of the letter.
2. Three No Shows in a thirty (30) consecutive day period is considered excessive and riding privileges can be suspended until all No Show fees are paid in full.
3. After the 14 day period, the customer is then sent a second letter stating how many No Shows the customer has and the amount due.
4. If the customer does not pay, they are sent a third and final letter. This letter is a "No Show fees suspension notice" which gives the dates of suspension and information regarding appeal. Upon payment in full of all No Show fees, the customer is then reinstated.

Policy Relating to Suspension of Riding Privileges Due to Excessive No Shows or Late Cancellations or Inappropriate Conduct

Tyler Transit reserves the right to suspend service to an individual who, for reasons within his or her control, has a "pattern or practice" of missing scheduled trips. This provision does not apply to trips that are missed for reasons that are beyond the passenger's control, (including trips which are missed due to Tyler Transit error). Tyler Transit also reserves the right to suspend service to an individual who engages in violent, seriously disruptive or illegal conduct on a paratransit vehicle or to a paratransit driver. Before suspending service, Tyler Transit will take the following steps:

1. After an individual has missed three scheduled trips within 30 consecutive days for reasons within his/her control, Tyler Transit will notify the individual in writing of the proposal to suspend service and the proposed sanction.
2. Upon receipt of the suspension, Tyler Transit will provide the individual with the opportunity to be heard and to present information and arguments to an individual not involved with the initial decision to suspend service to the individual.
3. After giving the individual the opportunity to be heard and to provide information and arguments contrary to the proposal to suspend service, Tyler Transit will provide notification of the decision and the reasons for it.

Appeal Process for Suspension of Service Due To No Shows or Inappropriate Conduct

The City of Tyler Administrative Appeal procedures are established in Tyler City Code Chapter 1, Article IV. Tyler Transit has established an administrative appeals process through which an individual who has had service suspended due to excessive No Shows can obtain review of the suspension.

1. All suspensions of service due to No Shows are subject to a formal appeal, in writing to the Tyler Transit Operations Coordinator by mailing to: 210 East Oakwood Dr., Tyler, TX. 75702.
2. Appeal of the decision to suspend service to an individual must be filed within 60 days of the written notification of the decision to suspend service.
3. The Tyler Transit Operations Coordinator will review the written request and make a determination within fourteen (14) business days.
4. The customer will be notified in writing regarding the decision made by the Tyler Transit Operations Coordinator as to the decision made upon completion of the appeals process and the reasons for it.
5. Any person aggrieved by the decision of the initial decision maker may appeal to the Department Leader for Tyler Transit.
6. Any person aggrieved by the decision of the Department Leader may appeal to the City Manager.
7. Any person aggrieved by the decision of the City Manager may appeal to the City Council. Such appeals shall be governed by Tyler City Code Sections 1-30 through 1-35.

Types of Paratransit Service that Tyler Transit Offers

Tyler Transit's complementary paratransit service for ADA eligible users will be origin-to-destination service. This includes:

1. Origin-to-Destination paratransit service;
2. Paratransit feeder service to an accessible fixed route, where such service enables the individual to use the fixed route bus system for part of the trip;
3. Paratransit feeder service to a neighboring jurisdiction, such as East Texas Council of Government transit serving the area outside Tyler city limits;
4. Coordinated paratransit service with a commercial bus line, such as Greyhound.

Types Of Vehicles Used For Transportation

As listed in Appendix A. Vehicles subject to change.

Pick Up Times

Passengers will be given an approximate time of pick up when calling to make an appointment. Passengers must be ready to go at the pre-arranged time and place. Passengers are encouraged to be ready to be transported a few minutes ahead of schedule. There may be times when traffic, road conditions and/or weather conditions may delay your vehicle. Our drivers have been instructed to wait at a residence for a period not to exceed five (5) minutes from the scheduled pick up time.

Return Trips After Appointment

When arranging for transportation, passengers must schedule a return time at a pre-arranged location unless the trip is for medical purposes. For medical trips, passengers can call (903) 533-8057 when ready to return. The first available driver will be dispatched to pick up the passenger.

Lift and Securement Use Policy

In accordance with the regulations, Tyler Transit will provide service to all common wheelchairs and their users. A common wheelchair is a wheelchair that does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied. Wheelchairs are defined to include three-wheeled and four-wheeled mobility aids. Three-wheeled scooters and other non-traditional designs will be transported. Passengers are advised that drivers are not permitted to operate a scooter or electric wheelchair onto the lift. The passenger is responsible for getting onto the lift with minimal driver assistance.

Use of the securement system on Tyler Transit's vehicles will be a required condition of service. All wheelchairs and mobility devices must be secured to Tyler Transit's satisfaction before transport.

When transporting passengers using three-wheeled wheelchairs or other mobility devices, Tyler Transit can request that the passenger transfer into a bus seat. The passenger, in this case, has the final decision as to whether a transfer is appropriate given the passengers' particular disability.

As the regulations require, a passenger who cannot enter the vehicle using the stairs or ramp, but who does not use a wheelchair, will be allowed to enter the vehicle using the lift.

Tyler Transit does not provide wheel chairs or other mobility devices.

Accommodating Other Mobility Devices, Life Support Equipment or Service Animals

Tyler Transit will permit the use of a lift for Segway or other personal transportation devices when used as a mobility device by eligible customers as long as it does not exceed the size and weight standards for a common wheelchair (30 x 48 inches and not exceeding 600 pounds including the user) per 49 CFR §37.3. Securement provisions do not apply.

In accordance with Americans with Disabilities Act (ADA), all paratransit passengers will be permitted to travel with service animals trained to assist them. The Department of Transportation ADA Title II regulations (29 CFR § 35.104) define a service animal as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. (Comment: ADA regulation effective March, 2011)

People with disabilities who use service animals will not be charged extra fees, isolated from other patrons, or treated less favorably than other patrons.

A person with a disability cannot be asked to remove his/her service animal from the premises unless: (1) the animal is out of control and the animal's owner does not take effective action to control it (for example, a dog that barks repeatedly) or (2) the animal poses a direct threat to the health or safety of others.

Tyler Transit will not provide care or food for a service animal or provide a special location for it to relieve itself.

Allergies and fear of animals are generally not valid reasons for denying access or refusing service to people with service animals.

Passengers will also be permitted to travel with respirators, portable oxygen and other life support equipment. Travel with this equipment will only be denied if it violates rules concerning the transportation of hazardous materials.

Other Assistance

Note: All material made available to applicants and passengers of Tyler Transit's complementary paratransit service will be provided in accessible formats upon request. For visually-impaired customers, phone calls will be made in addition to letters referenced in this document.

Those persons who would like to learn how to use the lift-equipment on an accessible fixed-route bus can practice on a vehicle that is not in regular service. Whenever possible, Tyler Transit will try to make available a demonstration, which can be attended by all interested persons, and will arrange specialized transportation services to such sites for those who need it. Tyler Transit staff may be able to accompany you on all or part of your first trip if advance arrangements are made. Tyler Transit will make mobility training available upon request. Contact **Tyler Transit** at 210 E. Oakwood, Tyler, TX 75702 or by phone at (903) 533-8057. **East Texas Center for Independent Living** also offers mobility training. Contact them at 4713 Troup Highway, Tyler TX 75703 or by phone at (903) 581-7542.

Revisions to Paratransit Plan

Significant revisions to this adopted Paratransit Plan can only be made by the City Council by Resolution.

Pursuant to Tyler City Code Section 1-92.e., the Disability Issues Review Board makes recommendations to the City Council related to issues of importance to disabled persons and to the community. The Disability Issues Review Board conducted hearings on this Plan on 05/06/2010, 07/01/2010, 11/04/2010, and 12/09/2010. On 12/09/2010, the Disability Issues Review Board voted unanimously to recommend approval by the City Council.

Revised December 2010

MPO Certification of Paratransit Plan

The City of Tyler's Metropolitan Planning Organization hereby certifies that it has reviewed the ADA paratransit plan prepared by the City of Tyler as required under 49 CFR Part 37, 139(h) and finds it to be in conformance with the transportation plan developed under 49 CFR part 613 and 23 CFR part 450 (the FTA/FHWA) joint planning regulation).

Additionally, by signature this certification is to certify that the City of Tyler is committed to providing ADA paratransit service as part of the Texas Department of Transportation's Regional Transportation Coordination Plan.

Signature

Title

Name of authorized official

Date

On 01/12/2011, the Tyler City Council conducted a public hearing on this Paratransit Plan to provide an opportunity for all interested persons to comment and participate.

This Paratransit Plan is authorized and adopted by Resolution No. R-2011-6, adopted by the Tyler City Council on 1/12/2011.

Appendix A

Types Of Vehicles Used For Transportation

Tyler Transit's vehicle fleet consists of eighteen (18) vehicles.

Type of Bus	No. Ambulatory Passengers	Wheelchair Capacity
Paratransit	12	2
Paratransit	14	4
Paratransit	14	4
Paratransit	12	4
Paratransit	12	4
Paratransit	14	2
Paratransit	14	2
Paratransit	14	2
Type of Bus	No. Ambulatory Passengers	Wheelchair Capacity
Fixed-Route	28	2
Fixed-Route	28	2
Fixed-Route	30	2
Fixed-Route	30	2
Fixed-Route	30	2
Fixed-Route	30	2
Fixed-Route	26	2
Type of Bus	No. Ambulatory Passengers	Wheelchair Capacity
Mini-Van	5	1
Mini-Van	5	1
SUV	3	0

Either a paratransit bus or a mini-van will be used to transport the passenger to and/or from the destination. All arrangements for transportation are made by Tyler Transit. All vehicles are accessible