



City of Brownsville-Brownsville Metro (BMETRO)

ADA Policies and Procedures



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A. PURPOSE

1. The policies and procedures in this manual have been drafted to ensure that persons with disabilities not be excluded from participation in, be denied the benefits of, or be subject to discrimination in any Brownsville Metro (BMetro) programs or services. [49 CFR 27.1]
2. ADA services provided by BMetro, as governed by this manual, will comply with the requirements under the Americans with Disabilities Act of 1990 and related law found at: 42 United States Code (USC) Chapter 126, "Equal Opportunity for Individuals with Disabilities", esp., §§ 12141-12150; 49 USC Chapter 53, "Urbanized Area Formula Grants"; 49 Code of Federal Regulations (CFR) Part 27, "Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance"; 49 CFR Part 37, "Transportation Services for Individuals with Disabilities (ADA)"; 49 CFR Part 38, "Americans with Disabilities Acts (ADA) Accessibility Specifications for Transportation Vehicles"; and 49 CFR Part 609, "Transportation for Elderly and Handicapped Persons". The Code of Federal Regulations can be accessed online at <http://www.gpoaccess.gov/cfr/index.html>. The United States Code can be accessed online at <http://www.gpoaccess.gov/uscode/index.html>.
3. Definitions for most terms used in this manual can be found at 49 CFR 27.5, 49 CFR 37.3, and 49 CFR 38.3. Other terms will be defined in this manual.
4. References to the laws and regulations listed in section A.2. above can be found in square brackets throughout this manual. Sections in this manual that do not carry a reference are specific to BMetro and are neither required nor prohibited by the requirements.

B. ACCESSIBLE FORMATS

1. All information regarding BMetro services, including information contained in this policy manual, ride guides, maps, and other documents, will be made available in the following accessible formats upon request: computer disks, taped audio cassettes, Braille, and large print. [49 CFR 37.125(b) & 49 CFR 37.167(f)]
2. All information regarding ADA paratransit service will also be available in Spanish upon request.

C. BUS SERVICE OVERVIEW

BMetro provides two kinds of transit services for passengers:

1. Fixed route service is bus service provided on a fixed schedule along a pre-established route with various stops along the route. This service is provided primarily by 35 ft. buses that are equipped with wheelchair ramps or lifts, which may accommodate up to two common wheelchairs each, and have space designated at the front of the bus for people with disabilities and the elderly. BMetro encourages all persons with disabilities to use its fixed route service. All fixed route vehicles are accessible and most stops along each fixed route are also accessible.
2. Complementary ADA paratransit service is service that does not operate along a fixed route or schedule and where passengers are picked up at curbs of different locations within time periods requested by the passengers. Accessible vans provide this service to origins within the service area. [49 CFR 37.129] Use of this service requires a passenger to submit an application and obtain certification. ADA Paratransit Service is complementary in the sense that it is meant to be equivalent to fixed route service and afford those with disabilities the same opportunity to use public transportation. It is not in any sense a taxi, door-to-door or special shuttle service.

D. MAINTENANCE OF ACCESSIBLE FEATURES

1. BMetro will maintain in operative condition those features - including lifts, securement devices, signage, etc. - of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. [49 CFR 37.161 (a)]
2. If an accessibility feature is damaged or out of order, it will be repaired promptly. [49 CFR 37.161(b)] If the repair causes more than a temporary or isolated interruption, patrons who require use of those features while the feature is not usable will be reasonably accommodated by BMetro. [49 CFR 37.161 (c)]

E. DESIGNATED SEATING ON FIXED ROUTES

1. Space at the front of each fixed route bus is reserved as priority seating for the elderly and disabled. BMetro will ask persons who are not disabled or elderly to move from these seats when they are needed by disabled or elderly patrons. [49 CFR 137.167(1)(i)]
2. There is a space in each fixed route bus designated for wheelchairs. BMetro will ask persons not in wheelchairs to move from the fold-down seats in this area when the area is needed by a wheelchair user. [49 CFR 137.167(1) (i)]

F. STOP ANNOUNCEMENTS ON FIXED ROUTES

1. BMetro will announce all stops on its fixed route system at transfer points, major intersections, major destination points, and at other intervals sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location. [49 CFR 37.167(b)(1)]
2. At stops where more than one route operates, BMetro vehicles and/or drivers will announce the name of the route and route number so that patrons who have visual impairments or other disabilities may identify the proper vehicle to enter. [49 CFR 37.167(c)]

G. ADA DISCOUNT FARES ON FIXED ROUTES

1. All persons with disabilities who ride on the fixed route system at any time will pay no more than half the fare required of a typical base fare on the system. [49 USC 53 §5307(d)(1)(D) & 49 CFR 609.23] For example, instead of the current typical base adult fare of \$1, disabled persons will pay only \$0.50. This discount does not apply to express routes such as the Sombrero Festival shuttle and express park & ride shuttles. [49 CFR 609 Appendix A]
2. A disabled person, for the purposes of this discount, is defined as a person "who by reason of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including any individual who is a wheelchair user or has semi-ambulatory capabilities), cannot utilize, without special facilities, planning, or design, mass transportation service or facilities as effectively as persons not so affected." [49 CFR 609.1]
3. Personal care attendants traveling with disabled persons will travel free on the fixed route system. The attendant must be accompanying the disabled person to receive this discount.
4. All disabled persons wishing to receive the discount fare must obtain an Elderly/ADA Card from BMetro at the BMetro administrative building on 755 International Blvd. [49 CFR 609 Appendix A] This card has the bus logo and a picture of the passenger, along with identifying information. In order to receive the card, the passenger must present either a valid Medicare card and some additional proof of identity (such as a passport or a Texas Identification Card) or proof of disability. Cards cost \$5.

5. The Elderly/ADA Card must be renewed every three years. Renewal cards are free.
6. The Elderly/ADA Card must be presented to the driver upon boarding a fixed route bus in order to receive the ADA discount.
7. The following is a non-exclusive list of sources that may constitute proof of disability for the purpose of obtaining an Elderly/ADA Card:
 - a. A letter on business letterhead from a medical doctor or other medical professional indicating the name and address of the person requesting the discount and documenting the disability.
 - b. A letter on business letterhead or an official ID card from a governmental agency (such as the Social Security Administration or the Veteran's Administration) documenting either the disability or that the person is receiving benefits as a result of a disability.
 - c. An ADA ID Card from another transit agency in the United States.
8. Cards will be issued immediately upon receipt and verification of materials and after a photo of the passenger is taken. BMetro will make copies of all documents received.

H. WHEELCHAIR LIFTS, RAMPS, & SECUREMENT DEVICES

Use of Wheelchair Lifts, Ramps, and Securement Devices

1. BMetro will transport any common wheelchair on its vehicles. A common wheelchair does not exceed a width of 30 inches and a length of 48 inches, and does not weigh more than 600 pounds when occupied. [49 CFR 37.3]
2. Wheelchairs must be placed in the designated area on the vehicle where it can be secured. Wheelchairs will not be permitted to ride in any other location. [49 CFR 37.165 (b) & (c)(3)]
3. If a wheelchair cannot be secured or restrained, the patron may still ride on the vehicle but he/she must remain in the designated area. [49 CFR 37.165(d)]
4. In some circumstances, BMetro will ask a passenger using a wheelchair to transfer to a vehicle seat, although the passenger will not be required to move. [49 CFR 37.165 (e)]
5. BMetro will allow any patron who requests to board using a wheelchair lift or ramp to do so even if he/she does not use a wheelchair. [49 CFR 37.165(g)] However, lifts and ramps will not be deployed at stops where they will be damaged if deployed or there is some temporary danger that prevents safe use of that stop. [49 CFR 37.167(g)]
6. Where necessary or upon request, BMetro personnel will assist individuals with disabilities with the use of securement devices, ramps, and lifts. [49 CFR 37.165(f)]

Maintenance of Wheelchair Lifts, Ramps, and Securement Devices

1. BMetro has in place a system of regular and frequent maintenance checks of its wheelchair lifts and ramps to ensure operability. [49 CFR 37.163(b)]
2. Operators are required to notify supervisors immediately if a lift is inoperable for any reason so that maintenance can be applied. [49 CFR 37.163(c)]

3. If a lift or ramp becomes inoperable during service, the vehicle in which the lift or ramp is located will be removed from service, repaired, and placed in service no earlier than the beginning of the next service day unless doing so would reduce the transportation service that BMetro provides and there is no spare vehicle available to take the place of the one with the inoperable lift or ramp. In that case, the vehicle with the inoperable lift or ramp may stay in service for no more than three (3) days from the day on which the inoperability was discovered. [49 CFR 37.163 (d)&(e)]
4. If a vehicle with an inoperable lift or ramp is operating on a route and the headway to the next accessible vehicle on the route is more than thirty (30) minutes, BMetro will provide alternative transportation to individuals with disabilities who are unable to use the vehicle because the lift or ramp is inoperable. [49 CFR 37.163(f)]

I. OTHER MOBILITY AIDS & EQUIPMENT

1. BMetro will allow service animals on its vehicles and in its facilities. [49 37.167(d)] A service animal is any guide dog, signal dog, or other animal trained to work for an individual with a disability. No other animals will be permitted.
2. BMetro will allow any reasonable breathing aid, including portable oxygen tanks and respirators, on its vehicles. [49 CFR 37.167(h)]

J. OPERATOR TRAINING

1. All BMetro vehicle operators and dispatchers will be trained by the Safety and Training Coordinator in at least the following [49 CFR 37.173]:
 - a. Operation of wheelchair lifts, ramps, and securement devices,
 - b. Loading and unloading of passengers using mobility assistance devices,
 - c. Passenger assistance training, including passenger courtesy and understanding of physical and attitudinal barriers,
 - d. Passenger will be given five (5) minutes to board and five (5) minutes to de-board the bus for a maximum boarding / de-boarding time of ten (10) minutes,
 - e. Defensive driving.
2. Drivers will be required to perform the following duties:
 - a. Assist in the securement of wheelchairs, even if this assistance also requires them to leave their seats,
 - b. Driving to the curb of the pick-up location (ADA paratransit service),
 - c. Activating the vehicle horn (ADA paratransit service),
 - d. Giving assistance in boarding and exiting,
 - e. Driving to the curb of the destination point (ADA paratransit service).
3. Drivers will be prohibited from:
 - a. Giving medication,
 - b. Operating oxygen or other life-assistance machines,
 - c. Moving wheelchairs to and from the vehicle, or helping passengers to the vehicle, beyond 10 feet from the edge of the curb (ADA paratransit service),
 - d. Feeding or dressing passengers,
 - e. Handling complaints,
 - f. Scheduling reservations (ADA paratransit service),
 - g. Carrying or handling packages.

K. COMPLAINTS & COMMENDATIONS

1. BMetro will accept complaints, commendations, and suggestions about its ADA program in person or by phone, mail, or email.
2. The BMetro staff will be responsible for dealing with complaints and commendations. Suggestions may be given to any member of the BMetro staff.
3. All complaints, commendations, and suggestions should be accompanied with the following information:
 - a. Name, address and phone number (or person may remain anonymous),
 - b. The date and time of the incident,
 - c. Vehicle number (if applicable) and the dispatcher or driver name,
 - d. Description of the complaint, commendation, or suggestion.
4. For phone calls or in-person visits, BMetro will take down as much information as possible and prepare a statement. Prior to taking action on an alleged serious infraction, the patron will be required to sign the statement and be willing to testify, if necessary, against the individual who allegedly committed the infraction.
5. BMetro staff will not be allowed to learn the identity of any person giving a complaint.
6. Patrons will not be allowed to learn what actions, if any, are taken against BMetro employees as a result of a commendation or complaint.
7. BMetro will keep a log of all complaints of noncompliance with federal ADA regulations it receives on-file for at least five (5) years. [49 CFR 27.121(b)]

L. SAFETY

1. To ensure the safety of all passengers, the following guidelines will be followed at all times:
 - a. Patrons will be encouraged to wear seat belts,
 - b. Patrons will be prohibited from playing with their restraints,
 - c. All wheelchairs will be required to be at designated locations on the vehicle,
 - d. Patrons will be prohibited from engaging the operator in conversation (small talk).
2. BMetro will refuse service to any individual who engages in violent, seriously disruptive, or illegal conduct. This does not include cases where the individual's appearance or involuntary behavior offends, annoys, or inconveniences others. [49 CFR 37.5(h)]
3. BMetro may require the use of a personal attendant if the attendant will mitigate the illegal, violent, or disruptive conduct.

M. ADA PARATRANSIT SERVICE PARAMETERS

General

1. Where persons with disabilities cannot use the fixed route service because they fall into one of the eligibility categories of section N., they will be provided complementary ADA paratransit service. This

service will be comparable to the service provided on fixed routes. [49 CFR 37.121(a)]

2. For purposes of eligibility for ADA paratransit service, a "disability" is a physical or mental impairment that substantially limits one or more of an individual's major life activities (functions such as walking, speaking, hearing, learning, or working), a record of such an impairment, or being regarded as having such an impairment. [49 CFR 37.3] Impairment can be a physical, mental, or physiological disorder or condition including, but not limited to, mental retardation, cerebral palsy, multiple sclerosis, cancer, anatomical loss affecting the musculoskeletal system, and emotional illness. [49 CFR 37.3] There are many other conditions that, under this definition, would qualify as disabilities.
3. ADA paratransit service will be provided on a next day basis: trips must be scheduled at least one business day in advance. [49 CFR 37.131(b)] Because of the large volume of reservations, requests for transportation for the same day are not guaranteed and will rarely be granted.

Hours of Service

ADA paratransit service hours will be the same as hours and days of operation for fixed route services. [49 CFR 37.131(e)]

Service Area

1. ADA paratransit service will be provided for origins and destinations only within the service area. The extent of this service area is a width of 3/4 of a mile on either side, or from the endpoint, of any BMetro fixed route within the city limits of Brownsville. [49 CFR 37.131 (a) (1) (i) & (a) (3)]
2. The service area also extends to any small area that is completely surrounded by the service area described in section 1. immediately above but that is not within that service area. [49 CFR 37.131 (a) (ii)]

Fares

1. Fares for one-way ADA paratransit trips will never exceed twice the amount of a regular one-way fixed route fare for a trip of similar length at a similar time of day, including premium charges and transfers. [49 CFR 37.131(c)]
2. The fare for guests will be the same as the fare for certified patrons. [49 CFR 37.131 (c) (2)]
3. Personal care attendants will travel free. [49 CFR 37.131 (c)(3)]
4. Fares for trips guaranteed to social service agencies will be twice the amount of the normal ADA paratransit fare. [49 CFR 37.131(c)(4)]
5. Fares may be adjusted periodically and reviewed in public meetings.

Trip Restrictions

1. There will be no restrictions or priorities based on trip purpose. [49 CFR 37.131 (d)]
2. There will be no limitations on service based on capacity constraints. [49 CFR 37.131 (f)] Capacity constraints include:
 - a. Restrictions on the number of trips an individual can take, [49 CFR 37.131 (f) (1)]
 - b. Waiting lists for access to service, [49 CFR 37.131 (f)(2)]
 - c. Any operational pattern or practice that significantly limits service availability, such as

substantial numbers of significantly untimely pickups for initial or return trips, substantial numbers of trip denials or missed trips, or substantial numbers of trips with excessive trip lengths. [49 CFR 37.131(f) (i) (A)-(C)]

- I. A trip denial (or denial of service) occurs whenever a patron attempts to schedule a trip according to the procedures outlined in this policy manual, but BMetro is unable to schedule that trip within one hour before or one hour after the desired time, even if the patron agrees to schedule some other trip time beyond that two-hour window.
 - II. An excessive trip length is any trip that lasts over 60 minutes (1 hour) from pick up to drop off.
 - III. A missed trip occurs when BMetro fails to pick up a passenger for a scheduled trip. A missed trip is defined as a trip the provider schedules for which the vehicle never arrives, or arrives outside of the pickup window and the passenger does not take the trip.
 - IV. If BMetro picks up a passenger earlier than fifteen (15) minutes before the scheduled pick-up time or later than fifteen (15) minutes after the scheduled pick-up time, it will log the trip as an untimely (early or late) pick-up.
 - V. BMetro will keep daily logs of all trip denials, excessive trip lengths, untimely pickups, and missed trips in order to prevent any limitations of service availability. These logs will be reviewed by the BMetro Communication Specialist II on a daily basis. Monthly reports will be reviewed by the BMetro Directors.
- d. Operational problems attributable to causes beyond BMetro's control (such as bad weather or unsafe traffic conditions) shall not be a basis for determining that the kind of pattern or practice mentioned in c. immediately above exists. [49 CFR 37.131 (f) (ii)]

N. ADA PARATRANSIT ELIGIBILITY CRITERIA

1. To be eligible for ADA paratransit service, a patron must fall under at least one of the following eligibility categories [49 CFR 37.123(e)]:
 - a. Any individual with a disability who is unable, as a 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. [49 CFR 37.123 (e) (1)]
 - b. Any individual with a disability who needs the assistance of a wheelchair lift or other boarding 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. [49 CFR 37.123(e)(2)]
 - 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 because the vehicle wheelchair lift or ramp cannot be deployed, the lift or ramp will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the entity, preclude the safe use of the stop by all passengers. [49 CFR 37.123(e)(2)(i) & 49 CFR 37.167(g)]

II . An individual using a common wheelchair is eligible under this paragraph if the individual's wheelchair cannot be accommodated on an existing vehicle even if that vehicle is accessible to other individuals with disabilities and their mobility chairs. [49 CFR 37.123(e)(2)(ii)]

c. Any individual with a disability who has a specific impairment-related condition which prevents such an individual from traveling to a boarding location or from a disembarking location on such a system. [49 CFR 37.123(e)(3)]

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 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. [49 CFR 37.123 (e) (3) (i)]

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. [49 CFR 37.123(e)(3)(ii)]

2. Eligibility may vary on a trip by trip basis: in some cases, an individual may meet the eligibility criteria for some trips and not for others. [49 CFR 37.123(b) & (c)] The following eligibility types reflect that distinction:

I. Unconditionally Eligible: Patron is eligible to use ADA paratransit service for all trips.

II. Conditionally Eligible: Patron is eligible to use ADA paratransit service only for some trips and can use the fixed route system for other trips.

III. Temporarily Eligible: Patron has a short-term disability that allows him/her to use ADA paratransit service for a temporary basis; may be unconditional or conditional.

3. Eligibility shall not be based solely on a medical diagnosis of disability. Eligibility shall be based on the ability of the patron to use available fixed route service as described in the criteria above. [Interpretation of 49 CFR 37.123(e)]

O. APPLYING FOR ADA PARATRANSIT SERVICE

1. The application used to determine eligibility will be the BMetro ADA Paratransit Eligibility and Recertification Application.
2. The application will contain questions to determine the patron's eligibility under section N. of this policy to use ADA paratransit service. [49 CFR 37.125(a)]

Application Process

1. The patron will be allowed to make a request for an application in person, by mail, by fax, by phone, or via email.
2. BMetro will respond to the request for an application within seven (7) working days of the date of

receipt of the letter or fax and immediately for in-person requests and phone or email messages.

3. The patron will receive written or oral instructions for completion of the application with every request.
4. There will be no time limit for submission of the application.
5. Applications will be accepted via mail or in-person.
6. All applications will be thoroughly reviewed by the BMetro staff and a written determination of eligibility will be made within 21 days following the application submission. [49 CFR 37.125(d)]
7. To persons who are found eligible, BMetro will send a letter that includes the following information [49 CFR 37.125(e)]:
 - a. Statement that the individual is "ADA Paratransit Eligible",
 - b. Name of the eligible individual,
 - c. BMetro logo and contact information,
 - d. BMetro administrative office phone number,
 - e. Expiration date for eligibility,
 - f. Conditions or limitations on the individual's eligibility, including the use of a personal care attendant.
8. To persons who are found ineligible, BMetro will send reasons for a finding of ineligibility via certified letter. [49 CFR 37.125(d)] BMetro will include a description of the application appeals process with any finding of ineligibility.
10. If BMetro has not made a decision on eligibility within 21 days of receipt of the application, the patron may use ADA paratransit service starting on the 22nd day until a determination is made. [49 CFR 37.125(c)]
11. If a patron is found ADA paratransit eligible, no further action will be required. The patron will become a certified user of the service and can immediately begin to schedule trips.
12. If the patron is found ineligible he or she has the right to appeal to the Transit Advisory Committee (TAC) appeals sub-committee.

Application Appeals Process

1. Any person who is determined to be ineligible for ADA paratransit service will be allowed to appeal within 60 days of the date of the ineligibility letter, we recommend that the appeal be submitted in writing to [49 CFR 37.125(g)(1)]:

ADA Paratransit Eligibility Appeal
Brownsville Metro (BMetro)
755 International Blvd., 2nd Floor
Brownsville, Texas 78520
(956) 541-4881 (phone)
(956) 574-6675 (fax)

2. The time limit for appeals will be based on the date of receipt of the letter stating the reasons for a finding of ineligibility.
3. The individual should request an appeal which we recommend that the appeal be submitted in writing. Immediately upon receipt of an appeal, BMetro management will set a date for the hearing of the appeal.
4. The date for the hearing of the appeal will be no later than twenty-one (21) days after the postmark date of the letter requesting the appeal. During the appeal “the applicant may supply evidence to support why he/she feels that the decision of ineligibility was made in error”.
5. Upon request, BMetro will provide the appellant transportation to and from the hearing.
6. BMetro will offer the individual who was denied eligibility every opportunity to present his/her case and receive and enter into the record every relevant piece of evidence and/or testimony from any person who can support him/her.
7. Appeals will be heard by the appeals sub-committee of the TAC. The persons who handle the appeal will be different than the person who made the initial determination of eligibility/ineligibility. The original reviewers of the application will not in any way influence the appeals process. [49 CFR 37.125(g)(2)]
8. In all cases, determinations will be made in writing and full documentation will be retained.
9. BMetro will make a final determination on the appeal as soon as possible after the hearing of the appeal. If after 30 days there has been no decision on the appeal, the appellant shall receive eligibility and may use ADA paratransit service until the resolution of the appeal. [49 CFR 37.125(g)(3)]

P. ADA PARATRANSIT CERTIFICATION RENEWAL

1. BMetro will re-certify individuals who use its ADA paratransit service every three (3) years. [49 CFR 37.125(f)]
2. The re-certification application will be identical to the BMetro ADA Paratransit Eligibility and Recertification Application.
3. To ensure that the recertification process is efficient, every patron must report changes in his/her condition or personal information to BMetro immediately.
4. Every certified patron will be mailed instructions and a renewal application that must be filled out and returned within one (1) month of receipt.
5. Eligibility guidelines for re-certification will be the same as those used for initial certification.
6. If, after one (1) month, a patron has not returned the re-certification application, BMetro will attempt to the patron to determine the cause for failure to submit the application. The patron will be granted a two (2) week extension if requested.
7. Those persons found ineligible under the re-certification process will cease to receive ADA paratransit service.

Q. VISITOR USE OF ADA PARATRANSIT SERVICE

1. BMetro will grant eligibility, for a period of 21 days, to any visitor with disabilities who does not reside in Brownsville, Texas on either of two conditions [49 CFR 37.127]:
 - a. The visitor presents documentation that he/she meets the ADA eligibility guidelines for ADA paratransit service from another jurisdiction. This documentation may include, but is not limited to, presentation of a valid ADA paratransit ID card or determination letter from any other transit provider. [49 CFR 37.127(c)]
 - b. The visitor provides proof of residency in another jurisdiction, documentation indicating a disability that prevents him/her from using the fixed route system, and certification that he/she is unable to use the BMetro fixed route system. [49 CFR 37.127(d)]
2. All visitors who provide the necessary documentation will be provided the same service as any other ADA paratransit client.
3. BMetro will require visitors to make a full application for BMetro ADA paratransit service for any stay beyond 21 days (contiguous or not) in any given calendar year. [49 CFR 37.127(e)]

R. COMPANIONS ON PARATRANSIT VEHICLES

BMetro will allow patrons to bring at least one (1) companion, such as a personal care attendant or guests, on their trips. [49 CFR 37.123(f)]

Personal Care Attendants

1. Personal care attendants are individuals designated or specifically employed to help patrons with their personal needs.
2. Persons with disabilities will not be required to have personal care attendants in order to use BMetro services or programs. [49 CFR 37.5(e)]
3. Patrons will be encouraged to use personal care attendants in cases where patrons have difficulty getting to at least 10 feet within the BMetro.
4. If a patron is accompanied by a personal care attendant, the patron may also bring one (1) guest. Any other guests may accompany the patron only on a space-available basis. [49 CFR 37.123(f)(1)(i)]

Guests

1. One (1) guest (who is not a personal care attendant), such as a family member or friend, may accompany a patron on his/her trip. [49 CFR 37.123(f)(1)(ii)]
2. Additional guests may accompany the patron only on a space-available basis and so long as service is not denied to other individuals eligible for ADA paratransit service. [49 CFR 37.123(f)(2)]
3. Both guests and personal care attendants must be picked up and dropped off at the same location as the client with whom they are traveling. 49 CFR 37.123(f) (3)]

S. SCHEDULING ADA PARATRANSIT TRANSPORTATION

1. BMetro will accept trip requests, or appointments, from one (1) day to seven (7) days in advance. [49 CFR 37.131(b) & (b)(4)] Trips requests that are not made by 5 PM at least one (1) day before the scheduled trip date (same day trips) are not guaranteed and will be rarely granted.

2. Trip requests will be accepted during the business hours of 8 AM to 5 PM, Monday through Saturday and on Sunday and holidays from 8 AM to 5 PM via answering machine. [49CFR 37.131(b)(1)] For answering machine requests, BMetro will call as soon as possible to verify the request.
3. Trips will be scheduled to begin no more than one (1) hour before or after the individual's desired departure time. [49 CFR 37.131(b) (2)]
4. To ensure that timely service is provided to all passengers, patrons must remain at their drop-off locations at least one (1) hour before they are picked up again. Pick-ups cannot be scheduled earlier than that time.

Phone Procedures

1. BMetro will request the following information when accepting a trip request:
 - a. Patron name,
 - b. Complete address of pick-up point,
 - c. Companion or guest name, if applicable,
 - d. Telephone number or a number where the patron can be reached,
 - e. The date of requested pick-up,
 - f. The time of requested pick-up,
 - g. Destination address (or location name),
 - h. The time of appointment (medical, etc.), if applicable,
 - i. Return time, if applicable.
2. Patrons will be allowed to schedule as many trips as they wish during any one call, time permitting.

T. ADA PARATRANSIT RESPONSE TIME & CANCELLATIONS

1. Passengers may be picked up as early as 15 minutes before or as late as 15 minutes after their scheduled pick-up time.
2. Patrons will be required to begin their approach to the vehicle within five (5) minutes of its arrival at the pick-up point. [49 CFR 37.167(i)]
3. Cancellations will be required at least 60 minutes before the scheduled pick-up time.
4. The guidelines in this section will be suspended in case of inclement weather or other exigent circumstances.

U. ADA PARATRANSIT NO-SHOWS

1. A no-show is a user who is not at or does not appear at the pick-up vehicle within five (5) minutes of its arrival at a scheduled pick up point; or a user who fails to notify BMetro at least 60 minutes in advance of his/her intent to cancel a scheduled trip.
2. Cases where trips are missed because of circumstances beyond the patron's control are not no-shows. [49 CFR 37.125(h)(1)]

3. No-shows will be subject to the disciplinary policy described in the section W. of this policy manual. [49 CFR 37.125(h)]

V. ADA PARATRANSIT SUBSCRIPTION SERVICE

1. Subscription service is defined as a block of scheduled pick-up times that occur on the same days at the same hours over a period of time. Educational and work trips that occur on a daily basis are examples of this type of service.
2. Subscription service may not take up more than 50 percent of the number of trips available at a given time of day unless there is excess non-subscription capacity. To meet this provision, BMetro will only provide subscription trips for work, school, and recurring medical treatments (e.g., dialysis). In addition, BMetro will keep a waiting list for all patrons who wish to use subscription service. [49 CFR 37.133 (b) & (c)]
3. Subscriptions must be renewed at the time of recertification (every three (3) years).

W. ADA PARATRANSIT DISCIPLINARY POLICY

Disciplinary Actions

1. Patrons who engage in violent, seriously disruptive, or illegal behavior, or who excessively miss scheduled trips, will be subject to the following disciplinary policy [49 CFR 37.5(h) & 37.125(h)]:
 - a. First, Second & Third Occurrence - Verbal Warning
 - b. Fourth Occurrence - Written Warning. This will be in the form of a written letter explaining that BMetro proposes to suspend service if another infraction occurs and citing the extent and duration of the proposed suspension. [49 CFR 37.1 25 (h) (2) (i)]
 - c. Fifth Occurrence - Service suspension for thirty (30) days. The patron will be provided with a written decision and the reasons for it. [49 CFR 37.125(h)(2)(iii)]
 - d. Sixth Occurrence - Service suspension for sixty (60) days. The patron will be provided with a written decision and the reasons for it. [49 CFR 37.125(h)(2)(iii)]
2. All disciplinary actions will take mitigating factors, such as the weather, vehicle problems, and other circumstances, into account.
3. If the individual chooses to appeal the disciplinary action, that action will be stayed pending the outcome of the appeal. [49 CFR 37.125(h)(3)]

Disciplinary Actions Appeals Process

1. Any person who has been disciplined by BMetro may appeal the disciplinary action which we recommend that the appeal be submitted in writing within 60 days, to [49 CFR 37.125(h)(3)]:

ADA Paratransit Disciplinary Action Appeal
Brownsville Metro (BMetro)
755 International Blvd., 2nd Floor
Brownsville, Texas 78520
(956) 541-4881 (phone)
(956) 574-6675 (fax)

2. The time limit for appeals will be based on the date of receipt of the letter stating the disciplinary action.
3. Immediately upon receipt of an appeal, BMetro will set a date for the hearing of the appeal.
4. The date for the hearing of the appeal will be no as soon as possible after the receipt date of the letter requesting the appeal.
5. Upon request, BMetro will provide the appellant transportation to and from the hearing.
6. BMetro will offer the individual who was disciplined every opportunity to present his/her case and receive and enter into the record every relevant piece of evidence and/or testimony from any person who can support him/her.
7. Appeals will be heard by the persons designated by the TAC and one (1) BMetro staff member. This group will not include any person involved in handing down the disciplinary action.
8. In all cases, determinations will be made in writing and full documentation will be retained.
9. BMetro will make a final determination on the appeal as soon as possible after the appeals hearing.