



## **Nondiscrimination Policy**

### **Americans with Disabilities Act**

**October 2023**

#### A. Prohibition against Discrimination

Bay Metropolitan Transportation Authority (BMTA) shall not discriminate against an individual with a disability in connection with the provision of transportation service.

BMTA will not:

- Refuse to provide service because of a person's disability.
- Require individuals with disabilities to use seatbelts or shoulder harnesses when others on the same vehicle are not required to do the same.
- Require riders who use wheelchairs to wear a special body belt as a condition of using lifts on vehicles or riding on transportation systems.
- Require riders who board a vehicle with a service animal to first disclose the nature of their disability to receive transportation.
- Require adults to accompany children under a certain age in order to use DART paratransit service without having the same age requirement to ride the fixed route system.
- Prohibit an individual with a disability from serving as a personal care attendant (PCA) for another rider with a disability.

#### B. Right to Use General Public Transportation Services

Notwithstanding the provision of any special transportation service to individuals with disabilities, BMTA shall not, on the basis of disability, deny to any individual with a disability the opportunity to use BMTA's transportation service for the general public, if the individual is capable of using that service.

BMTA will not:

- Require an individual with a disability to use paratransit service, or otherwise prevent the individual from using fixed route service, based on the belief that they "may take too long" to board a bus.
- Deny service to an individual with a disability based on what BMTA perceives to be "safe" or "unsafe" for the individual; Individuals with disabilities have the right to decide the level of risk they are willing to take to travel independently.

#### C. Prohibition against Requiring Use of Priority Seating

BMTA shall not require an individual with a disability to use designated priority seats if the individual does not choose to use these seats.

#### D. Prohibition against Imposition of Special Charges

BMTA shall not impose special charges, not authorized by federal regulation, on individuals with disabilities, including individuals who use wheelchairs, for providing services required by federal regulations or otherwise necessary to accommodate them.

BMTA will not:

- Charge for travel to in-person interviews or functional assessments that are required as part of the ADA paratransit eligibility process.
- Charge ADA paratransit eligible riders for photo IDs or for travel to or from locations to obtain required ID cards.
- Impose a mandatory fee to complementary paratransit riders (and their companions) for cancelled trips or trips counted as no-shows.

#### E. Prohibition against Requiring Use of Attendants

BMTA shall not require that an individual with disabilities be accompanied by an attendant.

BMTA may, as a condition of providing service, require a rider to have an attendant if the rider has been refused service due to engaging in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others if having an attendant would mitigate the issue. The rider shall be afforded a future opportunity to demonstrate that circumstances have changed and that they can travel independently as a result.

From a practical standpoint, some riders with disabilities will need to travel with an attendant to use the service. While federal regulations require drivers to provide assistance with the use of lifts, ramps, and securement systems, they are not required to provide “attendant services”. This includes assisting with the use of oxygen or other medical equipment, administering medications, or helping with other personal needs. If unable to travel without this level of assistance, riders may need to bring along their own attendant.

#### F. Prohibition against Refusing Service Due to Insurance Issues

BMTA shall not refuse to serve an individual with a disability or require anything contrary to federal regulations because BMTA’s insurance carrier conditions coverage or rates absence of individuals with disabilities or requirements contrary to federal regulations.

#### G. Service Denial Due to Rider Conduct.

BMTA may refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, BMTA shall not refuse to provide service to an individual with disabilities solely because the individual’s disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of BMTA or other persons.

Before refusing service, BMTA will make reasonable attempts to resolve issues with riders or, if appropriate, caregivers or guardians. BMTA will document the incident or incidents leading to the service denial, substantiating how such an incident rises to the level of seriously disruptive or a direct threat, for example. BMTA will provide the rider with written notice whenever possible before denying service.

Individuals that have been denied service will be given an opportunity to contest the denial, correct the situation, and resume service. Service refusals will not be permanent unless an individual continues to pose a direct threat to the health or safety of others.

#### E. Reasonable Modification of Policy

BMTA shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide full access to BMTA service unless exception applies.