

**MSW Projects of Henry, Illinois**  
**Marshall-Stark Public Transportation**

**Policy & Procedures for**  
**Compliance with**  
**The Americans with Disabilities Act**  
**And**  
**Modification of Policies and Practices**

Updated:

November 6, 2020

This document was reviewed and approved at MSW Projects of Henry, Illinois

November 11, 2020 Board meeting.



MSW Projects of Henry, Illinois Board President

**Type of Service:**

MSW Projects of Henry, Illinois operates its programs with regard to accessibility in compliance with The Americans With Disabilities Act (ADA).

MSW Projects of Henry, Illinois operates a door to door transportation service. This means that the driver will be permitted to assist (escort) the passenger from the main entrance door of the origin to the main entrance door of the destination.

**Maintenance:**

All drivers must include in their pre-trip inspection a check of all lift, ramps, inside and outside step lighting, interior lighting, and wheelchair securement devices. Any lift, ramp, and other equipment not operating properly must be reported to the Transportation Manager, Office Manager, or Executive Director immediately.

The vehicle will be used to transport passengers that don't require use of the lift until the lift can be repaired. The Transportation Manager, Office Manager, or Executive Director will immediately make an appointment with a qualified technician for repairs needed to the lift.

Each driver will be trained on how to operate the lift or ramp manually so if the need arises, the driver will be prepared to accommodate the passenger. Drivers will report all malfunctions of equipment to the Transportation Manager, Office Manager, or Executive Director so the vehicle can be replaced if needed. All malfunctions must be recorded on the post-trip inspection sheet.

In the event that a lift or ramp cannot be manually operated while on route to accommodate a passenger, the driver will call the Transportation Manager, Office Manager or Executive Director for assistance. The Transportation Manager will accommodate the passenger by sending out another vehicle to pick up the passenger.

**General Training:**

MSW Projects of Henry, Illinois will ensure that all drivers are trained to proficiency. All drivers will receive training that includes hands on instructions in the operations of each type of lift, ramp, and securement systems. Drivers are trained in Defensive Driving, Emergency Procedures, and Passenger Assistance.

## **Lift and Securement Use:**

All drivers will be properly trained in the use of all lift, ramp, and securement equipment.

MSW Projects of Henry, Illinois vehicles with the exception of two minivans are equipped with a wheelchair lift and tie downs. MSW Projects of Henry, Illinois complies with ADA guidelines. Wheelchairs are defined as a mobility aid belonging to any class of three or more wheeled devices usable indoors, designed or modified for and used by individuals with mobility impairments whether operated manually or powered. Segways and three-wheeled "scooters" and other non-traditional designs that fit within these standards will be transported.

MSW Projects of Henry, Illinois is not required to permit wheelchair passengers to ride in places other than the designated securement places in the vehicle. MSW Projects of Henry, Illinois requires the driver to secure the wheelchair or mobility assistive device using securement systems to ensure the passenger's chair remains in the securement area. All passengers must use a seat belt and/or shoulder harness or may risk the possibility of not being transported. The driver will assist passenger with securing the seat belt or shoulder harness, if needed. Passengers have the opportunity to transfer to a regular seat, but the driver will not assist with this transfer. If the passenger is unable to transfer to a regular seat without assistance then they must have an escort who will assist with the transfer.

MSW Projects of Henry, Illinois preference is to load passengers using a mobility assistive device onto the lifts with their feet away from the vehicle for safety reasons, but will allow the passenger to request to be loaded in the direction they prefer.

On ramps that are deployed at the sidewalk level, the passenger is allowed to board either forward or backward at their preference. The driver will offer assistance, but if assistance is refused the driver will ensure the passenger boards safely. If the ramp is deployed at street level with no sidewalks and the ramp is on an incline, the driver or passenger's escort will maintain full control of the person and the wheelchair. The wheelchair should be pushed up and backed down the ramp. This is to ensure the passenger does not tip or fall out of their wheelchair while going up or down the ramp.

The driver will permit individuals, including standees to use the lift/ramp to board the vehicle. This service will be offered if the driver notices a passenger having difficulty climbing the steps or upon request.

The only refusal to a passenger using the lift/ramp standing to board the vehicle shall be:

- The lift/ramp cannot be deployed at the stop due to the surrounding area.
- The lift/ramp will be damaged if it is deployed at the stop.
- All passengers are precluded from using the stop due to conditions that are not under control of MSW Projects of Henry, Illinois



### **Other Service Requirements:**

Drivers may not require a passenger with a disability to use designated priority seats. However, if the priority seat is taken by non-elderly or disabled passengers, the driver may request that a seat be vacated for an elderly or disabled passenger.

Passengers with disabilities will be allowed to travel with a respirator or portable oxygen supply and will be allowed to use those items while traveling with MSW Projects of Henry, Illinois. If the oxygen supply is an oxygen tank the driver will secure the tank in a way that is safe and can also be used by the passenger while traveling.

Passengers with disabilities will be allowed adequate time to board and exit the vehicle. The driver or passenger escort will be available to offer assistance to passenger as needed or requested.

Passengers with a service animal are allowed to board the vehicle. A service animal is any animal described as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. The dogs are allowed on the bus without a muzzle. Most (but not all) service animals wear identification as a service animal. The following are some guidelines to follow:

- If you are not certain a dog is a service dog, the driver may ask the person who has the service animal what service has the animal been trained to perform.
- Drivers may not insist on proof the animal is a service dog. Drivers will allow the passenger and service animal to ride. The drivers will not ask the passenger about their disability.
- The driver will ensure there is adequate space on the vehicle for the dog near the owner which will be out of the aisle.
- Any animal including a service animal will be excluded from transportation when the animal's behavior poses a direct threat to the health or safety of others or is uncontrollable. (The service animal will not be excluded for barking).

### **Personal Care Attendants/Escorts**

Disabled passengers are allowed one (1) Personal Care Attendant (PCA) to ride with them at no charge. A Personal Care Attendant is someone designated or employed specifically to help the eligible individual to meet his or her personal needs.

The Americans with Disabilities Act does not allow denial of transportation because there is no PCA/Escort; however, in the following instances a PCA/Escort will be requested to accompany the individual on their transport.

- An individual who has a memory problem that renders them unable to remember their name, address, or destination or
- An individual who requires a respirator or any other type of device that requires constant monitoring or
- An individual who currently resides in a nursing home.

In the event the driver arrives at the pickup location, at the agreed upon pick up time, and a pre-arranged PCA/Escort is not present, the following course of action will be implemented:

- The driver will notify the Transportation Manager, Office Manager, or Executive Director.
- An attempt to contact the passenger's caretaker(s) by calling any/all phone numbers listed on the passenger's registration will be done by MSW Projects of Henry's office staff.
- If contact is made, the MSW Projects of Henry's office staff will ascertain the course of action to be taken, and will inform the driver. This may take the form of having the driver wait for someone to arrive.
- If no contact is made, and if the individual is determined to be in danger by being left unattended, the MSW Projects of Henry's office staff will instruct the driver to wait at the location until assistance arrives. If needed another MSW Projects of Henry employee will be sent to the location to relieve the driver so they can continue with their other pickups.
- If assistance called for does not appear, or no contact is successful, the MSW Projects of Henry's office staff will notify the closest police department to the individual to alert them of the situation.
- In the event the passenger had a PCA/Escort on their initial trip, but none is present for their return trip, the same procedure as above will be followed.

At no time will a passenger, listed as requiring a PCA/Escort be transported without one unless prior contact is made from their legal guardian to approve said transportation. If prior arrangements were made to have a PCA/Escort meet the vehicle at the destination, and the driver arrives with no PCA/Escort present, the driver shall follow the same procedure as outlined above.

All instances of "no escort" will be reported promptly to the Transportation Manager, Office Manager, or Executive Director verbally and with the completion of an Incident Report. MSW Projects of Henry staff will follow up on the report in a timely manner and will determine if further steps need to be taken. Any indications the passenger might be suffering from abuse or neglect will be reported to the proper authorities immediately.



### **Companion Riders**

Companion riders may accompany riders. Companion riders must pay the appropriate fee, if applicable. If someone does not indicate use of a PCA, then any individual accompanying him or her will be regarded simply as a companion.

### **Entering a person's home or private residence:**

Drivers are strictly prohibited from entering the passenger's home or private residence under any circumstances.

### **Illinois Relay Service:**

The Illinois Relay Service makes it possible for those who have difficulty understanding or being understood on the telephone communicate fully each time they make or receive a call.

To use the Illinois Relay Service, one person uses a TTY (teletypewriter) or a commuter to communicate via the phone. TTY's vary, but most have screens that allows users to read what is said, and keyboards type a response. They are typically used by people with speech that is difficult to distinguish over the phone and by people who are deaf.

The Illinois Relay Service provides a link called a Communications Assistant (CA) whose basic function is to voice exactly what the TTY user types. When the standard telephone user responds, the CA types everything that he or she hears.

The system is open 24 hours a day and is free of charge.

TTY Dial                    1-800-526-0844 or 711

Voice User Dial        1-800-526-0857 or 711

Test Telephone (TTY's) can be obtained at no charge by qualified Illinois residents from the Illinois Telecommunications Access Corp (ITAC). For more information contact:

I.T.A.C.  
907 Clocktower Drive  
Suite B  
Springfield, IL 62704

Or call

TTY Dial                    1-800-526-0844 or 711

Voice User Dial        1-800-526-0857 or 711

### **Accessible Formats:**

Copies of the MSW Projects of Henry, Illinois and Marshall-Stark Public Transportation brochures are available in large print, Braille, audio tape, computer disk and other languages upon request.

**Observing Privacy Rights:**

Respecting the privacy of participants, staff, and volunteers is a basic value of MSW Projects of Henry, Illinois. All information concerning participants, former participants, our staff, volunteers, and financial data/records of MSW Projects is confidential. "Confidential" means not disclosing participants' names, personal information, or talk about them in ways their identity will be known. No information may be released without appropriate authorization to an individual or organization. The Board of Directors, staff and participants rely on paid and volunteer staff to conform to this rule of confidentiality.

MSW Projects of Henry, Illinois expects employees, volunteers, and Board members respect the privacy of participants by maintaining their personal and financial information as confidential. All records dealing with participants must be treated as confidential. General information, policy statements, or statistical materials that is not identified with any individual or family is not classified as confidential.

Unauthorized disclosure of confidential information or privileged information is a serious violation of this policy and will subject the person(s) who made the unauthorized disclosure to appropriate discipline, including removal/dismissal.

**Procedures for dealing with disruptive passengers:**

MSW Projects of Henry, Illinois is responsible for providing safe and reliable transportation services. In the event a passenger's behavior becomes disruptive (as determined by the driver) and threatens the safety of the passenger, other passengers, the driver, and/or the safe operation of the vehicle MSW Projects of Henry, Illinois reserves the right to (permanently, indefinitely or temporarily) suspend transportation services for those passengers.

The following inappropriate behavior will result in immediate suspension of transportation services. The driver may eject the passenger at the nearest safe location.

- The passenger poses a threat to the safety of themselves, other passengers or the driver
- Carrying of any weapons
- Possession of illegal drugs or substances or having open containers of alcohol on the vehicle.
- Being intoxicated
- Transportation of hazardous substances (acids, gasoline, etc) is prohibited
- Inappropriate behavior that may affect the safety of other passengers/drivers, or others will not be tolerated.

A complete MSW Projects of Henry, Illinois Passenger Conduct and Responsibility Policy is available upon request.

**Procedures for Suspension of Service:**

A complete copy of MSW Projects of Henry, Illinois Suspension of Service Policy is available upon request.

**Procedures for appealing Suspension of Service:**

A complete copy of MSW Projects of Henry, Illinois appeal of Suspension of Service Policy is available upon request.



**MSW Projects of Henry, Illinois**  
**Marshall-Stark Public Transportation**  
**Individuals with Disabilities**  
**Reasonable Modification of Policies and Practices**

**Introduction and Background**

MSW Projects of Henry, Illinois is committed to serving individuals with disabilities in full compliance with all requirements of The Americans with Disabilities Act of 1990 including all subsequent revisions and clarifications.

The U.S. Department of Transportation (US DOT) on March 13, 2015 issued 49 CFR Parts 27 and 37 which is a Final Rule on Reasonable Modification of Policies and Practices to clarify that public transportation entities such as MSW Projects of Henry, Illinois are required by July 13, 2015 to make reasonable modifications/accommodations to their policies, practices, and procedures to ensure program accessibility.

Public entities such as MSW Projects of Henry, Illinois providing fixed route or demand response services shall make reasonable modifications and accommodations subject to several exceptions. These exceptions include when the modification/accommodation would cause a direct threat to the health or safety of others, would result in fundamental alteration of the service, would not actually be necessary in order for the individual with a disability to access the entity's service, or would result in undue financial and administrative burden. A direct threat is defined in 49 CFR 37.3 as a significant risk to the health or safety of others that cannot be eliminated by modification of policies, practices, procedures, or by the provision of auxiliary aids or services.

This document serves as MSW Projects of Henry, Illinois' process for complying with the reasonable modification of policies and practices requirement. Described herein is MSW Projects of Henry, Illinois's process for making decisions and providing reasonable modifications under the ADA to policies and practices.

**Designation of Responsible Employee**

MSW Projects of Henry, Illinois designates its Transportation Manager as the authorized staff person to coordinate efforts to comply with the reasonable modification of policies and practices requirement. The Transportation Manager may consult with the Executive Director to properly investigate and make a final determination for requests.



### **Complaint Procedures**

MSW Projects of Henry, Illinois has adopted the following procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part and 49 CFR 37,38 and 39.

#### **Process for Filing a Complaint**

When a person desires to file a complaint alleging violation of any element of the ADA, the following process shall be followed:

Contact by mail MSW Projects of Henry, Julie Briner, P.O. Box 140, Henry, IL 61537, or by phone at (309) 364-2287.

The person filing the complaint shall provide sufficient detail of the allegation. Individuals requesting modifications shall describe what they need in order to use MSW Projects of Henry's service. Such individuals are not required to use the term "reasonable modification" when making such a request or to submit their request in writing. Whenever feasible, requests for modifications shall be made by individuals and determined by MSW Projects of Henry in advance, before MSW Projects of Henry is expected to provide modified service.

#### **Process for Investigating Complaints and Making Determinations**

Where a request for modification cannot practicably be made and determined in advance, the Transportation Manager shall make a determination of whether the modification should be provided at the time of the request. The Transportation Manager may consult with the Executive Director before making a determination to grant or deny the request.

Requests for reasonable modifications are encouraged to be made during the reservation process. Such requests shall be submitted to the Transportation Manager for prompt and timely consideration.

Requests for modification of MSW Projects of Henry, Illinois policies, practices, and procedures may be denied only on one or more of the following grounds:

- Granting the request would fundamentally alter the nature of MSW Projects of Henry, Illinois' services, programs or activities for their intended purpose.
- Granting the request would create a direct threat to the health or safety of others.
- Without the requested modification, the individual with a disability is able to fully use the MSW Projects of Henry, Illinois's services, programs, or activities for their intended purpose.

In determining whether to grant a requested modification, the Transportation Manager and MSW Projects of Henry, Illinois shall be guided by the Part 37 - Reasonable Modification Requests. A copy of Part 37- Reasonable Modification Requests are made a part of this document. It is important that only authorized MSW Projects of Henry, Illinois staff (i.e. Office Manager, Transportation Manager, and Executive Director) shall interpret the examples listed in Part 37 - Reasonable Modification Requests for their applicability to MSW Projects of Henry, Illinois policies, practices, and procedures.

In any case in which MSW Projects of Henry, Illinois denies a request for a reasonable modification, MSW Projects of Henry, Illinois shall take, to the maximum extent possible, any other actions that would not result in a direct threat or fundamental alteration to ensure that the individual with a disability receives the services or benefit provided by MSW Projects of Henry, Illinois.

The Transportation Manager may offer to meet with the complainant or representative of the complainant if such a meeting would facilitate the process for properly investigating the complaint. Such meeting may at the discretion of the Transportation Manager include a field site visit if it involves investigation of a matter that deals with external circumstances.

A written response shall be made by the Transportation Manager to the complainant within ten (10) business days following receipt of the complaint assuming the matter can be reasonably resolved within such timeframe. If more than ten (10) business days are needed to investigate the matter, the Transportation Manager shall communicate to the complainant where the matter stands and the expected period of time needed to properly investigate and make a final determination. In the written response provided by the Transportation Manager, he/she shall provide reasons for his/her determination.

#### Appeals Process

When a request for modification/accommodation has been denied by the Transportation Manager, the complainant may appeal that determination to the Executive Director by submitting a request within thirty (30) days of the denial. Currently, the Executive Director, Traci Dowell. Such request shall be submitted to the Executive Director via one of the following methods: mail to MSW Projects of Henry, Illinois, Attn: Traci Dowell, P.O. Box 140, Henry, IL 61537, email to [tracimswprojects@gmail.com](mailto:tracimswprojects@gmail.com) or call 309-364-2287.

The Executive Director may offer to meet with the complainant or representative of the complainant if such a meeting would facilitate the process for properly investigating the request or complaint. Such meeting may at the discretion of the Executive Director include a field site visit if it involves investigation of a matter that deals with external circumstances.



### Communicating Requirements to MSW Projects of Henry, Illinois Board and Personnel

The MSW Projects of Henry, Illinois Executive Director shall communicate the general aspects of this process to the MSW Projects of Henry, Illinois Board of Directors and Managers. The Executive Director shall provide organizational support to the Transportation Manager for implementation and adherence to this process.

The Transportation Manager shall communicate the process to the MSW Projects of Henry, Illinois Office Manager and Transportation personnel and shall develop the necessary means to ensure MSW Projects of Henry, Illinois personnel understand and comply with the process. This includes establishing the necessary protocols for Drivers to follow when they encounter a request for modification from an individual with a disability while in service.

### **Advertising of Complaint Procedures**

MSW Projects of Henry, Illinois shall advertise the procedures for filing a complaint in the following manner:

- \*In the MSW Projects of Henry Rider Handbook
- \* On the Marshall County website ([www.marshallcountyillinois.com](http://www.marshallcountyillinois.com))

The Transportation Manager with the support and oversight of the Executive Director shall ensure that the above noted advertising methods are implemented and remain current.

### **Accessibility of Complaint Procedures**

MSW Projects of Henry, Illinois shall make the complaint procedures available in accessible formats upon request including large print, email, or audio recording. Persons desiring an accessible format shall contact MSW Projects of Henry, Illinois and make such a request at (309) 364-2287. The Transportation Manager shall ensure that accessible formats are readily available upon request.