



**BENTON AREA  
TRANSIT**

**2020**

# Program Policies



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## *Introduction*

These program policies have been reviewed and approved by Oregon Department of Transportation (ODOT)'s Public Transit Division, were introduced to the Benton County Special Transportation Advisory Committee (STAC) on September 22<sup>nd</sup>, 2020, and were approved by the Benton County Board of Commissioners on November 10<sup>th</sup>, 2020. The Benton County Public Works Department on behalf of Benton Area Transit hereby adopts these policies as administrative policies, which define the rules and regulations for transit ridership and operations staff within Benton Area Transit's service area.

These policies will be reviewed and updated as needed by Benton Area Transit staff. Each policy is considered a standalone document.



## 1. *Eligibility Policy*

Benton County holds the right to deny service to anyone who does not qualify for service or is not certified by Benton County staff.

**Individuals who live within  $\frac{3}{4}$  of a mile from a Corvallis Transit System (CTS) or Philomath Connection bus route and are applying on the basis of a disability should consult Corvallis Transit System for ADA Paratransit service.**

Eligibility for individuals who live beyond  $\frac{3}{4}$  of a mile from a Corvallis Transit System (CTS) or Philomath Connection bus route is determined as described below.

Users of Benton County's Special Transportation Services shall be certified through Benton County. Eligible riders must meet one of the following criteria:

- A person has been certified by the City of Corvallis for ADA paratransit;
- A person with a disability that does not qualify for ADA paratransit and has limited transportation options (information confirming this from a caseworker, primary healthcare provider, and/or a rehabilitation officer may be required);
- A person is 65 years of age or older.

There are three levels of eligibility that will be assigned by Benton County:

- Unconditional Eligibility – This person cannot access fixed-route transit either due to a disability or due to the origin and destination of the trip(s).
- Conditional Eligibility – This person has a disability that prevents them from accessing fixed-route transit on an intermittent or temporary basis.
- Ineligible – this person does not qualify for special transportation services.

In order to ensure service and client records remain current, clients will be required to renew their eligibility every three years. Clients certified as eligible for Benton County Special Transportation services will be notified at least 30 days prior to the expiration of their eligibility.



## 2. *Policy for Appealing an Eligibility Determination*

### **Appealing an eligibility determination:**

Denials or terminations of eligibility and/or suspensions due to violations of Benton County rules or policies may be appealed. The appeal process is as follows:

An individual may appeal a denial and/or termination of eligibility or a suspension to the Transportation Coordinator. If an individual disagrees with the decision of the Transportation Coordinator, an appeal can be made to the Public Works Director.

**Filing deadlines:** An appeal of a new eligibility determination must be filed within 30 calendar days of the date of the eligibility notice.

- An appeal of a renewal eligibility determination must be filed within 30 calendar days of the date of the eligibility notice.
- An appeal of a suspension must be filed within 14 calendar days of the date of the suspension notice.
- An appeal may not be considered if it is not received by Benton County within the specified time limit.

The appeal must be in written (email or letter) or audio form and may be completed by a third party if the appellant desires.

The appeal must include the following information:

- Appellant's name;
- Address;
- Telephone number;
- Date of the incident or when the denial occurred; and
- Reason for the appeal.

If an appeal is filed timely and contains the required information, the Transportation Coordinator will set the date, time and place of the hearing and notify the appellant thereof. The appellant will have an opportunity to be heard and to present relevant information and arguments at the hearing. The appellant will be provided with any necessary support, i.e., a sign language interpreter, if requested in the appellant's appeal. The appellant may be represented by an individual of their choice.

Benton County may be represented by the initial decision maker and/or the County Counsel or his/her designee.

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At the hearing, the appellant and Benton County may present evidence, including the testimony of witnesses, in support of or in opposition to the appellant's case.

The Transportation Coordinator's decision and the reasons for it will be provided to the appellant in writing and/or audio within 10 calendar days. A copy of the decision will be provided to the contractor.

The decision of the Transportation Coordinator is final, except for the right of appeal to the Public Works Director.



### 3. *Exclusion Policy*

Benton County staff and its operators may refuse or suspend service to individuals who engage in illegal, violent, and/or seriously disruptive activity and/or activity that is non-compliant with Benton County’s policies and procedures as set forth in this document. A formal Exclusion Notice will be delivered to the offending party, citing the level of the offense as shown on the table below.

A violation of an exclusion notice shall result in elevating the offense one frequency higher, pending appeal. For example, violating an exclusion notice for a Level 1 First Offense will result in an exclusion notice issued for a Level 1 Second Offense. In the case of a violation of a third offense for Levels 1-3, and any violation of a Level 4 offense, the violator will be considered indefinitely excluded, pending appeal.

<b>Level</b>	<b>Frequency</b>	<b>Length of Exclusion</b>
1	First Offense	Bus run upon which offense occurred
1	Second Offense	One month
1	Third Offense and	Six Months
2	First Offense	One Week
2	Second Offense	Three Months
2	Third Offense and	One Year
3	First Offense	One Month
3	Second Offense	One Year
3	Third Offense and	Indefinite
4	First Offense and	Indefinite

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Examples of **Level One** offenses include, but are not limited to:

- Occupancy or use of a passenger shelter except for boarding, disembarking, or waiting for a vehicle.
- Bringing aboard a vehicle any food or beverage in open containers, or consuming food or beverage while in a vehicle.
- Smoking, vaping, spitting, or carrying any burning or smoldering substance, in any form, aboard a County vehicle or within three (3) feet of a transit shelter.

Examples of **Level Two** offenses include, but are not limited to:

- Offensive language or exhibiting disruptive behavior in a vehicle when such language or behavior is reasonably likely to offend, annoy or intimidate another passenger and which does offend, annoy, or intimidate another passenger. This does not apply if such language and behavior is solely due to the passenger's disability.
- Boarding or remaining in a vehicle or entering or remaining in a transit shelter if the person or the person's clothing emanates a grossly repulsive odor that is unavoidable by other customers in the vehicle or in the shelter.

Examples of **Level Three** offenses include, but are not limited to:

- Engaging in fighting or violent, aggressive or threatening behavior (verbal or physical) within any County vehicle or shelter.
- Activating the "Emergency Exit", "Emergency Stop", or alarm device of a vehicle in the absence of an emergency.

Examples of **Level Four** offenses include, but are not limited to:

- Knowingly throwing an object or discharging a bow and arrow, air rifle, rifle, gun, handgun, or other weapon at or within a County vehicle or in any part of a transit shelter.





#### 4. *Policy for Appealing an Exclusion*

- (1) In addition to other measures provided for when there are violations of this Code or the laws of the City of Corvallis, Benton County, and/or the State of Oregon, any peace officer, County transit operator, County's Transportation Coordinator, and persons designated by the County's Transportation Coordinator may exclude from all or any part of the County's Transportation Services any person who violates any provision of these regulations for a period of time specified in regulations promulgated by the County's Transportation Coordinator.
- (2) A person excluded under this policy may not enter or remain upon any part of the County's Transit System from which said person is excluded during the period of exclusion. An excluded person who enters or remains upon any part of the Benton County Transportation System from which the person has been excluded is a trespasser and may be arrested and prosecuted for the crime of Trespassing. In addition, failure to abide by an exclusion notice shall constitute a further violation of this regulation for which the period of exclusion may be extended if so specified in regulations promulgated by the County's Transportation Coordinator.
- (3)
  - (a) Except as provided in (b) below, written or audio notice shall be given to a person excluded from all or part of the Benton County Transportation Services, which notice shall specify the reason for exclusion, places and duration of exclusion, and the consequences for failure to comply with the notice. Exclusion shall commence immediately upon delivery of the notice to the excluded person.
  - (b) A vehicle operator may, without giving written notice of exclusion, direct a passenger to leave a County-owned vehicle, or direct a prospective passenger not to board a vehicle, if the passenger is in violation of any provision of these regulations. Such oral exclusion, without written notice of exclusion, shall be effective only for the route in progress at the time of the exclusion.
- (4) Notwithstanding involuntary behaviors that are the result of a passenger's disability, a vehicle operator or the County's Transportation Coordinator may exclude a passenger for unreasonably interfering with the operation of the transit system, but must, as soon as possible, but not later than the end of that working day, provide a written explanation of how the passenger was behaving and how the passenger's action unreasonably interfered with the operation of the transit system. The written explanation will be filed with the Transportation Coordinator and a copy will be mailed to the passenger. If the



passenger's address is unknown, or if the passenger will not provide an address, then the written explanation will be filed with Transportation Coordinator's office.

- (5) The County's Transportation Coordinator shall promulgate administrative regulations establishing the duration of exclusion, which shall be based upon the type of violation.
- (6) Not later than ten (10) days after commencement of the exclusion, an excluded person may appeal in writing to the Benton County Transportation Coordinator, or the manager's designee, for de novo review of the exclusion and may petition the County's Coordinator, or designee, to rescind the exclusion, alter the places of exclusion or reduce the duration of exclusion. An appeal shall contain a copy of the exclusion notice, if written; a request for a hearing or request for written review without a hearing; and a statement setting forth the reason that the exclusion is/was invalid or otherwise improper. The County Transportation Coordinator, or designee, shall render a decision not later than ten (10) days after receipt of the appeal, unless the appellant requests a hearing.
- (7) If, as part of the written appeal, the excluded person requests a hearing, the County's Transportation Coordinator, or designee, shall conduct a public hearing within ten (10) days after receipt of the appeal, and the County's Transportation Coordinator, or designee, shall render a decision within ten (10) days after the hearing.
- (8) The order of the hearing shall be as follows: presentation of documentation and testimony supporting the exclusion, followed by presentation of documentation and testimony opposing the exclusion. The County's Transportation Coordinator, or designee may question witnesses and review all documentation referred to by the witnesses. There shall be no continuance or reopening of the hearing. A tape recording shall be made of the hearing, which shall be made available to the appellant upon the appellant paying the cost of producing the tape recording. If the appeal raises a dispute of fact, the burden of persuasion shall be on the excluded person.
- (9) At any time during the exclusion, an excluded person may petition in writing to the County's Transportation Coordinator, or designee, for a temporary waiver of the exclusion.



## 5. *Service Animal Policy*

How we define “service animal”:

**In accordance with U.S. Department of Transportation regulations, a “service animal” means any guide dog, signal dog or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders and sounds, pulling a wheelchair, or fetching dropped items.**

Service animals that have been trained, or are in training, to perform a specific task to assist with a disability are welcome aboard. Passengers may be asked to confirm that the animal is a service animal. Passengers are responsible for the care and supervision of the animal while on board and any damage or soiling caused by the animal is the responsibility of the passenger.

A service animal must:

- Be individually trained to do work or perform a task related specifically to the passenger’s disability;
- As required by law, be licensed/registered with the City and/or County in which the animal resides as proof of vaccination and ownership. Licensing tags must be available with the animal;
- Be on a leash, under voice command if the passenger’s disability prevents the use of a leash, or be in a container (birds, reptiles, amphibians, and rodents must be kept within an enclosed carrier or container);
- Be under the passenger’s control so as not to present a threat to the safety of other passengers, services animals, or employees;
- Lay at the passenger’s feet or in the passenger’s lap, but not in the aisle or on the seat;
- Not act aggressively toward or interact with other people or other animals;
- Be housebroken;
- Not interfere with the work of other service animals, thereby presenting a threat to the safety of that service animal’s handler; and
- Be reasonably clean and groomed.

If an animal does not satisfy all of the bullet points above, that animal is not a service animal. These types of animals must be kept out of the aisle in a closed carrier.



## 6. *No-Show Policy*

A demonstrated pattern of no-shows (late cancellations of unneeded rides, not being present or ready to board when the vehicle arrives) is seriously disruptive to Benton County's public transportation services.

Within a rolling 30-day period, three (3) or more no-shows representing at least 20 percent of scheduled trips will be grounds for service suspension. Only no-shows and late cancellations which are within the passenger's control will be counted toward the policy.

Cancellations made less than 61 minutes in advance of the pick-up time, a cancellation at the door, or not being present or ready to leave within five minutes after the vehicle operator comes to the door, are all considered a no-show. If a passenger is a no-show on a ride starting from their home, they must call Benton County's dispatching contractor to cancel any other scheduled rides no longer needed that day to avoid receiving additional no-shows.

No-shows are considered a Level 1 offense (refer to Exclusion Policy – Section 1).



## 7. *Weight Limit & Mobility Aid Policy*

Benton County reserves the right to refuse service to any person whose weight (includes mobility devices) exceeds the maximum allowable weight limit of Benton County's equipment or if an individual's mobility device blocks the aisle of a Benton County vehicle.

All electronic mobility aids shall be turned off while on a Benton County vehicle.

If necessary and if possible, passengers may board vehicles separate from their mobility device. Passengers must be able to do this independently or with the help of a Personal Care Assistant, without relying on the driver.



## 8. *Vehicle & Bus Stop Environment Policy*

The following activities are prohibited on/at Benton County vehicles and bus stops:

- Smoking and vaping is prohibited within 10 feet of designated bus stop areas or vehicles. Absolutely no smoking or vaping is allowed inside vehicles;
- Discarding trash is prohibited within Benton County vehicles or at designated Benton County Transit bus stops;
- Music/noise-emitting electronic devices without the use of headphones/earbuds;
- Loud or vulgar language that is not solely due to the passenger's disability;
- Unnecessary talking to the vehicle operator;
- Eating is not allowed on Benton County vehicles, but food and drinks can be on-board in closed spill-proof containers.

Passengers are responsible for the safety and securement of personal belongings brought aboard Benton County vehicles. Riders, with or without the assistance of their Personal Care Assistant (PCA), must be able to safely carry on and hold any carry-on items. These items shall not block the aisle, stairs or doors. If the bike racks are full, bicycles may be brought on board if space allows.



## 9. *Priority Seating Policy*

While sitting in areas closest to the door, passengers are required to move for people with disabilities. Use of this area is otherwise allowed if it is not occupied or needed.



## *10. Companion and Attendant Policy*

A person eligible to receive Special Transportation Services may travel with one companion. More than one companion may accompany an eligible person on a space-available basis only. All companions are required to pay the same fare as the client.

A Personal Care Attendant (PCA) is regarded as a “mobility aid” and can be a paid employee, family member, or friend. PCA’s are not required to pay a fare. A client may not have more PCA’s than needed to perform the duties needed as a mobility aid. Additional persons, if allowed, will be considered companions and pay a fare.





## *11. Reservation Policy*

Requests for service will be taken during business hours. Return rides must be requested at the time of the initial ride request.

Drivers may arrive at their pickup address within a 30-minute window of the scheduled pick up time. Upon arrival, drivers will wait five minutes at the curb for the client before leaving for the next scheduled appointment time.

For additional information on ADA Paratransit service, refer to the Corvallis Paratransit Handbook and FTA guidance/regulations.



## *12. COVID-19 Face Covering Policy (Rev. 12/08/20)*

In response to the COVID-19 pandemic and until further notice, all Benton County passengers are required to wear a face covering that covers the nose and mouth while riding Benton County buses and waiting at passenger stop locations. If a passenger does not have a face covering or has a covering that does not cover the nose and mouth, one may be provided by a driver as supplies last.

Face coverings shall fit snugly against the side of the face, be secured with ties or ear loops, and be made of paper or cloth.

This policy complies with guidelines issued by the Oregon Health Authority (OHA) and the Governor's Executive Orders. Effective immediately, no one age 5 years and older is allowed on a Benton Area Transit vehicle without a face covering.

Individuals with a disability which prevents them from wearing a face covering as defined by the OHA may contact 541-766-6318 to inquire about applying for paratransit service.

This Policy shall be in effect until such time that Benton Area Transit determines the policy is no longer needed.



### *13. Confidentiality Policy*

Benton County safeguards Personal Identifying Information (PII) including, but not limited to passenger and representative names and contact information, medical information, and vendor information associated with contracts and invoices. See Procedure 2.8 for specific measures taken to safeguard information.



#### 14. *Seatbelt Policy*

Passengers are required to use seatbelts in vehicles where seatbelts are provided.