



## **AMERICANS WITH DISABILITIES ACT (ADA) DIRECTIVES**

1. Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service. The Guam Regional Transit Authority (GRTA) will not discriminate against an individual with a disability in connection with the provision of transportation service.
2. These procedures have been prepared for GRTA personnel and those individuals who have been certified as eligible for ADA complementary paratransit service with the Guam Regional Transit Authority. Additionally, these directives apply to those persons who have been declared eligible by other jurisdictions and who are visiting Guam.

### **Definitions:**

1. In accordance with Department of Transportation (DOT) 49 Code of Federal Regulations (CFR) Part 37, Transportation for Individuals with Disabilities and FTA Circular 4710.1, Americans with Disabilities Act Guidance, the following definitions apply:

A. **Disability:** with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

#### **1. Physical or Mental Impairment:**

- a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemi and lymphatic skin, and endocrine;
  - b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;
  - c. The term Physical or Mental impairment includes, but is not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease, tuberculosis, drug addiction and alcoholism;
  - d. The phrase physical or mental impairment does not include homosexuality or bisexuality.
2. The phrase **major life activities** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and work.

3. The phrase **has a record of such an impairment** means has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
  4. The phrase **is regarded as having such an impairment means:**
    - a. Has a physical or mental impairment that does not substantially limit major life activities, but which is treated by a public or private entity as constituting such a limitation;
    - b. Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment; or
    - c. Has none of the impairments defined in Paragraph 1 of this definition but is treated by a public or private entity as having such an impairment.
  5. The term **disability** does not include:
    - a. Transvestic, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
    - b. Compulsive gambling, kleptomania, or pyromania;
    - c. Psychoactive substance abuse disorders resulting from the current illegal use of drugs.
- B. **Wheelchair:** 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.
  - C. **On-Time:** FTA considers pickups as on time when a driver arrives at the pickup location within the established pickup window.
  - D. **Early:** FTA considers pickups early if a driver arrives and departs with the rider before the established pickup window begins.
  - E. **Late:** FTA considers pickup late if a driver arrives after the end of the established pickup window and the rider boards the vehicle.
  - F. **Trip Denials:** When agencies do not accept trip requests; when a rider requests a next-day trip and the agency can only offer a trip that is outside of the 1-hour negotiating window; when a rider requests a round-trip and the agency can only provide one leg of the trip (if the rider does not take the offered one-way trip, both portions of the trip are denials).
  - G. **Missed Trips:** Missed trips caused by agencies and not the riders; trips that are requested, confirmed, and scheduled, but do not take place because;
    - a. The vehicle arrives and leaves before the beginning of the pickup window without picking up the rider and without any indication from the rider that he or she no longer wants to make the trip.
    - b. The vehicles does not wait the required time within the pickup window, there is not contact with the rider, and the vehicle departs without the rider.
    - c. The vehicle arrives after the end of the pickup window and departs without picking up the rider (either because the rider is not there or declines to take the trip because it is now late).
    - d. The vehicle does not arrive at the pickup location.

- H. **Excessive Trip Lengths:** A trip that is “excessive” when in comparison to the time required to make a similar trip using the fixed route system. The standard of service is not intended to reflect that of a taxi service.
- I. **No-show:** A no-show occurs when a rider fails to appear to board the vehicle for a scheduled trip. This presumes the vehicle arrives at the scheduled pickup location within the pickup window and the driver waits at least five (5) minutes.
- J. **Pickup Window:** The pickup window is defined as five (5) minutes before the scheduled pickup time to five (5) minutes after the scheduled pickup time. Riders must be ready to board a vehicle that arrives within the pickup window. The driver will wait for a maximum of five (5) minutes within the pickup window for the rider to appear.
- K. **Late Cancellation:** A late cancellation is defined as either: a cancellation made less than one (1) hours before the scheduled pickup time or as a cancellation made at the door or a refusal to board a vehicle that has arrived within the pickup window.

### **Service Criteria:**

There are six service criteria that the ADA requires and they are as follows:

1. **Service Area:** GRTA will provide complementary paratransit service to origins and destinations island wide due to the geographical locations of paratransit riders.
2. **Response Time:** ADA complementary paratransit will be scheduled and provided to any ADA paratransit eligible person at any requested time on a particular day in response to a request for service made the previous day. Reservations will be taken by reservation agents or by mechanical means.
3. **Fares:** The fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service will be based on fare structure approved by the GRTA Board of Directors. The fares are established by the Fares Committee through the Administrative Adjudication Act. A personal care attendant shall not be charged for complementary paratransit service. Any companion will pay whatever fare is identified based on companion status, ADA discounted rate, student rate, senior citizen rate and regular rate.
4. **Trip Purpose:** No restrictions or priorities will be imposed based on trip purpose.
5. **Hours and day of service:** Complementary paratransit service will be available throughout the same hours and same days as the Fixed Route service.
6. **Capacity Constraints:** No limit of the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:
  - A. Restrictions on the number of trips an individual will be provided
  - B. Waiting lists for access to the service
  - C. Any operations pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons

### **Accessibility:**

1. Vehicles will be used that meet the accessibility and equipment requirements of ADA. Vehicles with features required to make them readily accessible to and usable by individuals with disabilities will be maintained in an operative condition. These features include, but are not limited to, lifts, securement devices, elevators, signage and systems to facilitate communications to persons with impaired vision or hearing.

Accessibility features will be promptly repaired once identified as damaged or out of order. Whenever an accessibility feature is out of order, reasonable steps to accommodate individuals with disabilities will be taken.

2. GRTA will operate from facilities and amenities which comply with ADA regulations

### **Eligibility:**

1. GRTA will establish an ADA paratransit eligibility determination process for local residents and long-term visitors. Eligible individuals will receive documentation of ADA paratransit eligibility, which can then be used in other systems. There are two (2) types of eligibility. These are:

- **Unconditional:** this eligibility is granted if your disability prevents you from using the Guam Public Transit System for **ALL TRIPS** you might need to make.
- **Conditional:** this eligibility is granted if you can use the Guam Public Transit System under certain circumstances, but need GRTA's Paratransit Service **FOR CERTAIN TRIPS**.

2. GRTA will honor the request of an "out-of-town" visitor who is ADA certified by another transit provider and is seeking to utilize the ADA complementary paratransit service. Service will be provided consistent with ADA requirements and GRTA policies. For example, if a certified visitor comes from a fixed route system that is not accessible and the certification states that the rider is ADA eligible based solely on the inaccessibility of their system and the person can use an accessible transit system, no paratransit service will be provided.

Eligibility will be presumed in cases where a visitor does not have documented certification available, GRTA will require the visitor to provide documentation of their place of residence while visiting our island and a certification that they are unable to use our Fixed Route Services.

A non-certified visitor may use the system up to the 21-days (consecutive and nonconsecutive) in a one-year period. If the visitor plans to use the system or actually uses the system for more than twenty-one (21) days (consecutive and nonconsecutive) within a one-year period, the visitor must apply to GRTA and become certified to continue to use the system beyond the 21-day limit.

3. The certification process that is established will strictly limit ADA paratransit eligibility to the regulatory definition of eligibility. Only those persons who meet the regulatory definition will be given documentation indicating that they are "ADA Paratransit Eligible". In addition, if individuals who are determined to be ADA paratransit eligible can use fixed route service under certain conditions, the documentation, which they are given, will indicate the limitations/conditions of their eligibility.

4. All information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility will be made available in accessible formats upon request. Accessible formats include large print, audiotape, Braille, and computer disk.

5. An individual may be eligible for paratransit whose disability is intermittent or temporary. Those persons would be certified based upon the most limiting aspects of their disability and, like many other ADA certified riders, rides will be subject to specified conditions.

6. Individuals are not qualified or disqualified for ADA complementary paratransit service based on a specific medical diagnosis or disability. To ascertain if the individual fits the criteria, it is necessary to determine whether or not an individual's disability prevents him/her from utilizing any of the fixed route services provided by GRTA. This determination will be made using the following four (4) tests:
- A. Does the disability prevent the individual from getting to and from a station/stop at point of origin or destination? If yes, then the trip is eligible. A distinction is made in the regulations between those who have difficulty (or simply find it unpleasant) to travel to or from a bus stop and those whose disability prevents them from doing so.
  - B. Can the individual board and utilize the vehicle at the station/stop? If the vehicle is inaccessible or the stop is inaccessible, the person is eligible.
  - C. Can the individual independently recognize the destination and disembark? If no, the trip is eligible. This test will form the basis of eligibility for many individuals with visual impairments and developmental cognitive disabilities.
7. Applicants are to be granted presumptive eligibility if a determination of eligibility has not been made within 21 calendar days of the submission of a completed application. Service must be provided, and the applicant is presumed to be eligible, until and unless the determination is complete and the person is found to be ineligible.
8. Applicants will be notified in writing of the Notice of Initial Determination of Eligibility. If the determination is made that the individual is not eligible, the written notification will state the reasons for the finding. If an applicant is determined to be eligible, documentation of eligibility (ID Card) will be provided. This documentation will specifically state that the person is "ADA Paratransit Eligible".
9. An administrative appeal process is available to any individual who is determined to be ineligible for complementary paratransit service. The appeal process is available to individuals who are determined ineligible in all situations and those persons who are deemed conditionally eligible. Because the provision of ADA complementary paratransit service is a civil right, the denial of eligibility is a serious matter. A fair and effective appeals process is in the best interest of all parties. Please see the [Appeals Procedures](#).
10. GRTA may require that individuals periodically reapply or recertify every three (3) years.

### **Requesting Transportation:**

1. Reservation service is available during all normal business hours Monday – Sunday, 8:00 a.m. to 5:00 p.m. by calling 671-647-7433/4/5. When the primary telephones are down, riders may call 888-7433 or 686-7433.

### **When making reservations please be sure to have the following information available:**

- 1. **Your name**
- 2. **Telephone number (please make sure this is a working number)**
- 3. **Time you would like to arrive at your destination**
- 4. **Identify whether you will be accompanied by a personal care attendant and/or a companion**
- 5. **Inform of any mobility devices being used**

6. **The address where you would like to be picked up from**
7. **The address where you would like to go to**
8. **Identify whether you will need a return trip, indicating the time you desire to be picked up**

Someone will call and confirm reservations same day for next day service.

Under no circumstances will an appointment be made from a voice message. Riders are asked to leave their name and a good working telephone number. If the number has been changed or disconnected, GRTA is not responsible for providing the transportation request. Only authorized persons are allowed

to make/cancel reservations for the rider. Authorization must be provided and filed with GRTA Paratransit Section.

Pick up times may be negotiated with the individual; but the trip will not be scheduled to begin more than one hour before or after the individual's desired trips.

If it is necessary to cancel the trip, please notify GRTA as soon as possible.

2. A ride is a one-way trip. GRTA paratransit service is curb-to-curb service whereas you must be able to get to the curb. The GRTA driver will assist you in getting in and out of the vehicle.
3. Passengers must be ready at the designated pick up time. The driver will wait five (5) minutes at the curb and then continue on his/her route.

#### **Fare Policy:**

1. Fares charged for ADA Complementary Paratransit shall be the same fare that would be charged for a comparable trip (without regard to discounts for age or disability) on the GRTA fixed route service.
2. Companions traveling with an ADA certified individual shall pay the full fare as identified on GRTA Fares and Ticket prices. A Personal Care Attendant traveling with and ADA certified individual shall not be charged a fare.

#### **Procedures:**

It is the responsibility of transit providers to ensure that passengers with disabilities receive service comparable to that provided to any other passenger and that this service is provided with dignity and respect, without compromising safety or security. These procedures are applicable to Fixed Route, ADA Complementary, and Express Route services.

1. **Announcing Bus Stops:** Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 Code of Federal Regulations (CFR), Section 37.167(b), the minimum requirement for fixed route stop announcements by a transit provider is that "stops to be announced (by personnel or a recording system) at least at transfer points with other fixed routes, other major intersections and destinations points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location. Further, the transit personnel must announce any stop upon request of an individual with a disability. If there is a public address (PA) system and visual signage on board the vehicle, it will be used to provide such announcements.

Operators must identify the vehicle to a passenger who has a visual impairment, especially if the bus stop is serviced by more than one route.

2. **Boarding Assistance:** Bus operators shall position the bus to make boarding as easy as possible for everyone. This includes minimizing the slope of any ramps and bus kneeling options available. Whenever necessary, bus operators shall provide assistance to passengers to negotiate ramps and/or inclines when boarding or alighting. Always ask the passenger if assistance is needed prior to providing such assistance.  
Before leaving the stop, operators shall ensure that passengers with disabilities are boarded safely. Bus Operators are trained in defensive driving, sensitivity awareness, first aid and safe operations of the Paratransit Vehicles. Please cooperate with the Operator and follow all rules as instructed.
  - A. **Transporting Common Mobility Aids:** All mobility aids shall be transported and properly secured. A mobility aid, as defined above, may be operated manually or powered and must be able to fit onto our lift or ramp entry. GRTA lifts and ramps are able to accommodate a design load of at least 600 lbs. combined weight. The recommended measurement fitting of our accessible entry include, but are not limited to 30 inches in width and 48 inches in length. Vehicles may not be able to accommodate mobility aids exceeding these standards, however reasonable efforts shall be made to transport persons in oversized mobility aids. Transportation cannot always be guaranteed to persons with oversized mobility devices, but suggestions for alternative transportation shall be provided upon request. With respect to wheelchair/occupant combinations that are larger or heavier than those to which the design standards for vehicles and equipment of 49 CFR Part 38 refer, if the lift and vehicle can accommodate the wheelchair and occupant, service must be provided to that person. Riders are advised to use their personal lap belt and/or bus seat belt to prevent from falling or sliding out of their mobility device during transport. **Undoing your seatbelt and/or walking around in the bus while it is in motion is not permitted.**
  - B. **Forward vs. Backward Mobility Aid Loading:** For safety reasons, passengers using mobility aids are encouraged to back onto the lift when boarding; however, passengers are not required to do so. When a ramp is used, the boarding direction is the passenger's decision.
  - C. **Mobility Aid Brakes:** When occupying a lift or securement area, it is recommended that passengers apply the brakes on their mobility aids; however, they are not required to do so. With power chairs or scooters, it is recommended that the power switch be turned to the "off" position. Again, this is not mandatory.
  - D. **Mobility Aid Securement:** Mobility aids must be properly secured whenever possible. Securement devices shall be available on all transit vehicles at all times. Bus operators shall use their best efforts to correctly use the appropriate number of securement points. If using a wheelchair, service shall not be denied because the wheelchair cannot be secured to the operator's satisfaction due to either the awkward position of the securement points, or the design of the wheelchair. A passenger may not be refused service based on an inoperable securement system. If the device is not secured, it should remain out of the aisle and movement of passengers. Lap belts and shoulder harnesses shall be offered for the safety of the passenger but are not mandatory. Passengers using mobility devices shall not be denied service based on safety or liability concerns if they refuse to wear the lap belt or shoulder harness, or if the wheelchair cannot be completely secured due to the design of the device or difficulty with the securement system. Passengers using a wheelchair and prefer to use a vehicle seat may transfer to a vehicle seat if one is available. Passengers using mobility devices are not required to move to a vehicle seat due to securement difficulties that raise safety concerns. Passengers requesting to ride in a specific securement area shall be secured in the area of their choice if that securement area is available and unoccupied by a passenger using a wheelchair.

- E. **Reserved/Priority Seating:** Wheelchair securement areas on buses are reserved. Passengers using other types of mobility aids shall be boarded if the securement areas are not otherwise occupied by a wheelchair, regardless of the number of passengers on the bus. Bus operators are required to ask passengers sitting in securement areas to move to other available seats or to stand.

Upon request, bus operators shall ask, but not require, passengers to yield priority seating at the front of the bus to persons with disabilities and seniors.

- F. **Use of Lifts and Ramps:** Upon request, bus operators must allow passengers who do not use a mobility aid to use a vehicle's lift or ramp to enter or exit the vehicle. The only reason to not authorize the use of a lift is if:

1. The lift cannot be deployed;
2. The lift will be damaged if deployed;
3. Conditions at the stop would present unsafe conditions for ALL passengers (49 CFR 37.167). Drivers may not judge that a designated stop is unsafe solely due to a passenger's particular disability. (ADA Section 223).

- G. **Assisting Passengers:** Our Bus Operators can assist you with:

- Getting from your door to the designated stop location to the paratransit vehicle.
- Getting in and out of the vehicle. If you are unable to use the steps, you may stand use the lift/ramp provided to get on/off the vehicle
- Depositing your fare, if requested
- Fastening seat belts and securing wheelchairs and scooters
- Getting from the paratransit vehicle to the entry door or the designated stop location at your destination
- If requested, operators can assist riders with manual mobility devices by:
  - Pushing and guiding you to/from the vehicle, on/off the lift platform of the vehicle and inside the vehicle
  - Moving you and your device up or down a single step or curb when it can be done safely
- For safety reasons, **Operators are NOT PERMITTED to**
  - Engage in conversation with riders while driving. If you shall have any questions during your bus ride, the operator will gladly respond; however do not distract the operator with a conversation
  - To leave the bus unattended. Do not ask to pick up mail or packages for you
  - To operate controls of any powered mobility device, handle a service animal or enter a private residence or business establishment
  - Wait while you "just go in for a minute". If you need a quick stop, tell the scheduler when you book your ride and they will schedule another bus for your pick up
  - Load items onto the bus for you (i.e. groceries, shopping bags, boxes larger than what can fit on your lap

3. **Maintenance of Lifts and Ramps:** Operators must visually and physically inspect all lifts and ramps installed on the vehicle during pre-trip inspections. All discrepancies of accessibility equipment must be reported immediately to dispatch. Operators will follow the guidance provided by dispatch with regard to continuing on the route with an inoperable accessibility unit or switching to another vehicle. Dispatch will determine on the need to continue using the vehicle or pulling it out of service



immediately for maintenance. A vehicle with an inoperable accessibility unit will be removed from service no later than the next service day and will not be returned to service until it is completely repaired.

4. **Passengers with Visual Impairments:** Passengers who use a white cane or service animal need to ensure that their cane or service animal is visible to approaching bus operators. Anytime an operator observes either of these aids, they must stop at the stop, open the door, and state the route and destination of the bus. Operators pulling up to bus stops that serve multiple routes must be particularly careful to announce the route to all passengers waiting at the stop.
5. **Companion and Attendant Policy:**
  - A. Regulations allow for an ADA eligible individual to travel with one companion and guarantees that space will be available for such. GRTA will allow more than one companion to accompany a certified rider on a space-availability basis only. Companions are required to pay the fares identified on GRTA Fares and Ticket prices.
  - B. A person employed by an ADA eligible rider as a Personal Care Attendant, is not considered a companion and is not required to pay a fare. This also applies to a rider that is determined, during the eligibility determination process, to need a Personal Care Attendant. A Personal Care Attendant is regarded as a "mobility aid" and can be a paid employee, a family member, or a friend. PCA pays full fare or fares identified on GRTA Fare Structure on any Fixed Route.
6. **Service Animals:** Persons with disabilities who use service animals may board with the service animal regardless of fare category. Operators may ask any passenger if their animal is a service animal and/or if the animal assists them with their disability. They may not however, require certification or identification of their service animal. Passengers using service animals must keep their animals under control and the animal must not pose a threat to other passengers. Failure to do so may result in the passenger being requested to exit the bus.
7. **Portable Oxygen Use:** Portable oxygen supplies and respirators are permitted on board GRTA vehicles consistent with applicable transportation laws. Oxygen tanks must be secured or in an upright position at all times so they do not move during transport. Proper notification about the use of this equipment(s) must be provide to the scheduler when scheduling your ride.
8. **Denial of Service:** There will be no discrimination of any individual with a disability in connection with the provision of transportation service.
  - A. No person, on the basis of disability, will be denied the opportunity to use public transit if the individual is capable of using that service.
  - B. Individuals with a disability shall not be required to use designated priority seating if the individual chooses not to.
  - C. Persons with disabilities may not be subject to special charges for providing services or otherwise accommodating them.

Service may be denied to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal activity. However, service may not be denied if the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees or other persons.

9. **Refusal or Suspension of Service:**

GRTA is committed to providing safe and reliable services to all riders, while putting GRTA's resources to best use. The paratransit service does not discriminate on any basis in providing its services to eligible riders. Under ADA regulations, however, GRTA may refuse or suspend service to individuals who engage in violent, seriously disruptive or illegal conduct:

A. **Refusal of Service:** Operators may refuse service to an individual on a specific occasion at the point of service if the individual's conduct poses an immediate actual or potential risk to safety of others.

B. **Immediate Suspension of Service:** Immediate suspension of service may occur when a rider's conduct:

1. Inflicts serious harm on another rider, GRTA employee or provider employee or others
2. Results in serious damage to GRTA property or contracted provider property
3. Creates an immediate actual risk to safety or
4. Constitutes an illegal activity

C. **Suspension of Service:** service suspensions for a pattern of behavior generally are imposed for a specified length of time and only after a customer has been previously warned. The suspension will begin on a specific date after the customer has been informed in writing of the pending suspension and the basis for it and has the opportunity to present information relevant to the pending suspension. Conduct that may lead to suspension includes but is not limited to the following:

1. **No Show Late Cancellation Policy:**

It is the policy of GRTA that paratransit passengers who establish a pattern or practice of excessive "No-shows" or "Late Cancellations" shall be subject to a suspension of service. While GRTA understands that riders may sometimes miss scheduled trips or be unable to cancel trips in a timely fashion for reasons beyond their control, repeatedly missing scheduled trips, or failing to cancel trips in a timely manner can have a negative impact on the provision of service to other passengers, as well as the costs of providing such services.

A. **Definitions:**

- i **No-show:** A no-show occurs when a rider fails to appear to board the vehicle for a scheduled trip. This presumes the vehicle arrives at the scheduled pickup location within the pickup window and the driver waits at least five (5) minutes.
- ii **Pickup Window:** the pickup window is defined as five (5) minutes before the scheduled pickup time to five (5) minutes after the scheduled pickup time. Riders must be ready to board a vehicle that arrives within the pickup window. The driver will wait for a maximum of five (5) minutes within the pickup window for the rider to appear.
- iii **Late Cancellation:** a late cancellation is defined as either: a cancellation made less than one (1) hour before the scheduled pickup time or as a cancellation made at the door or a refusal to board a vehicle that has arrived within the pickup window.

B. **GRTA does not count** as no-shows or late cancellations, any **missed trips due to transit agency error**, such as:

- i Trips placed on the schedule in error.
- ii Pickups scheduled at the wrong pickup location
- iii Drivers arriving and departing before the pickup window begins.
- iv Drivers arriving late (after the end of the pickup window).
- v Drivers arriving within the pickup window, but departing without waiting the required five (5) minutes.

**GRTA does not count** as no-shows, or late cancellations, **situations beyond a rider's control** that prevent the rider from notifying us that the trip cannot be taken, such as:

- a Medical Emergency
  - b Family Emergency
  - c sudden illness or change in condition
  - d Appointments that run unexpectedly late or are cancelled at the last minute
- i **Subsequent Trips:** If a passenger no-shows or late cancels for an "outbound" trip and has one or more other trips (e.g. return trip) on the same day, GRTA will not automatically cancel subsequent trips. It is the responsibility of the passenger to cancel any subsequent trips they no longer need that day.
- ii **Excessive No-Shows Late Cancellations:** GRTA will notify individuals in writing of No-Shows and/or Late cancellation violations on a monthly basis to assist in the early resolution of misunderstandings and to identify conditions that were beyond the control of the individual to cancel their trip in a timely manner.

An individual with excessive No-Shows Late Cancellations will:

- 1 Receive written notice of the violations citing the specific trips missed over the specific time period of occurrence and the proposed sanction.
- 2 Within **five working days** (Monday – Friday, excluding holidays) of receipt of the notice, will be allowed to present information and arguments to the Manager of Paratransit Services or designee. Failure to exercise this right will not preclude the individual from filing an appeal regarding the sanction imposed.
- 3 Receive written notice of the decision and, if applicable, the effective date and duration of any suspension.
- 4 Have the ability to appeal the decision by filing an appeal within 60 days from the date of the

Suspension Notice. Appeals will be handled in accordance with the provisions of the Unified Service Plan and Policy for Complementary Paratransit Services under the Americans with Disabilities Act (ADA). If appealed, the sanction will be stayed pending the outcome of the appeals process. GRTA must continue to provide paratransit service, upon request, to the passenger until the appeal is resolved. However, if the passenger continues to accrue additional No-Shows or Late Cancellations during the appeal period, these may be considered in the determination of the proposed sanction; the passenger will be so notified. If the passenger does not appeal or waives their right to appeal, the following sanctions will be imposed:

Any combination of excessive Late Cancellations or No-Shows (3 or an amount greater than 10% of total trips taken) in any consecutive three month quarterly period is defined as a 'violation' of this policy. Sanctions may be imposed as follows:

- First Offense – verbal warning provided to the rider, verbal discussion documented in file
- Second Offense – warning letter provided to the rider, reminder of no-show policy
- Third Offense – Suspension of services for a period of five (5) days starting from the date rider receives written notice of suspension
- Fourth Offense – suspension of services for a period of ten (10) days starting from the date rider receives written notice of suspension
- Fifth Offense – suspension of services for a period of twenty days (20) starting from the date rider receives written notice of suspension
- Sixth and Subsequent Offense – suspension of services for a period of thirty (30) days starting from the date rider receives written notice of suspension.

If more than two years elapse between any two stages of violations, the progression of sanctions and suspensions would revert to the first violation.

If a rider is a "Subscription Rider," – subscription services will be cancelled immediately shall any suspension occur.

### **Complaint Process:**

The complainant shall be given an option on filing a Formal or Informal Complaint, but not both at the same time. This does not however, preclude a customer from the right to file a formal complaint. Complaints may be filed by phone, email or in person.

To be accepted, a complaint must meet the following criteria:

- The complaint must be filed within ninety (90) calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- The allegation(s) must involve a covered basis such as race, color, national origin, gender, disability or retaliation.
- The allegation(s) must involve a program or activity of a Federal-Aid recipient, sub-recipient or contractor, or in the case the ADA allegations, an entity open to the public.

A complaint may be dismissed for the following reason(s):

- The complainant requests for withdrawal of the complaint
- The complainant fails to respond to repeated requests for additional information needed to process the complaint
- The complainant cannot be located after reasonable attempts.

Consumer Complaint Form and its process is attached and is also available online at <http://grta.guam.gov>.

### **Appeals Process:**

#### **1. Appeals Process for ADA Complementary Para-transit Eligibility for GRTA**

The appeals process for the denial, suspension, or termination of ADA paratransit eligibility is as follows:

- A. **Denial of ADA Complementary Para-transit Eligibility:** The applicant shall be notified in writing and such other format as requested in the application of the initial ADA eligibility determination. If eligibility has been denied or is subject to conditions, information describing the appeal process shall be included in the notification to the applicant.

ADA complementary paratransit service shall not be provided to the appellant pending the determination on appeal, except as otherwise approved by the initial eligibility determination or as noted in the appeals process below.

- B. **Suspension of Eligibility:** Persons who demonstrate a consistent pattern of missing scheduled para-transit trips, "no shows", may lose their eligibility for a period of time. Before suspending service, GRTA shall notify the individual in writing and such other format as requested in their eligibility application that the system proposes to suspend service, citing the basis of the proposed suspension and setting forth the proposed sanction. Information describing the appeal process shall be included in the notification. The individual shall remain eligible for ADA complementary paratransit service during the appeal pendency.
- C. **Termination of Eligibility:** A person, whose behavior threatens or has threatened the safety of para-transit personnel or other customers, may be denied the service. The denial of service must be documented by the person or persons denying the service. If the denial of service extends beyond the time of the originating incident, GRTA shall notify the individual in writing and such other format as requested in their eligibility application that GRTA has terminated their eligibility, citing the basis of the termination. Information describing the appeal process shall be included in the notification. Because of the circumstances initiating the denial of service, no service shall be provided during the appeal process.

An individual may appeal a negative eligibility or suspension or termination decision to GRTA Executive Manager. The hearing officer shall not have been involved in the decision being appealed. An appeal of an eligibility determination must be filed within 60 days of the date of the eligibility notice. An appeal of termination or proposed suspension must be filed within 20 days of the date of termination or proposed suspension notice. An appeal shall not be considered if it is not received by GRTA within the specified time limit.

The appeal must be in written or audio form and may be completed by a third party if the individual desires. However, an employee of GRTA cannot be the third party. The appeal must include the following information: the appellant's name, address, and telephone number; and the reason for the appeal. The three member Appeal's Panel will consist of the GRTA Supervisor of Operations, Chairperson of the GRTA Board of Directors and the GRTA Ombudsperson.

If an appeal is timely filed and contains the required information, the hearing officer shall set the date, time and place of the hearing and notify the appellant thereof. The appellant shall have an opportunity to be heard and to present information and arguments at the hearing. The appellant shall 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. GRTA may be represented by the initial decision maker or the City Attorney or his/her representative. At the hearing, the appellant and GRTA may present evidence, including testimony of witnesses, in support of or in opposition to the appellant's case.

The hearings officer's decision and the reasons for it shall be provided to the appellant in writing and such other format as requested in the application. A copy of the decision relating to a suspension or

termination shall be provided to GRTA. The decision of the hearing officer is final, except for the right to appeal to FTA.

If an appeal has not been decided within 30 days of the completion of the hearing, GRTA shall provide complementary paratransit service from that time until and unless a decision to deny the appeal is issued.

### **Visitor Services:**

ADA Paratransit eligible visitors (an individual who does not reside in the jurisdiction served by GRTA) , who provide GRTA with documentation of their eligibility, are eligible for GRTA's Paratransit Services. Visitors without proper credentials , must provide GRTA with documentation of their place of residence and certification that they are unable to use our Fixed Route Services.

Visitor's will be provided with Complementary Paratransit Services for a period not to exceed twenty-one (21) days during the three hundred sixty-five (365) day period beginning with the visitor's first use of GRTA's Paratransit Service.

Visitors who request the use of GRTA's Paratransit Service for more that twenty-one (21) days within the three hundred sixty-five (365) day period from the first day of service, will be asked to submit an application to determine eligibility in the current administrative process.

### **Rules for Riding**

All Paratransit riders are required to follow these rules:

- All Riders MUST SHOW Paratransit ID upon boarding the bus
- Valid and correct fare is required for each trip
- You must yield the seats in the front of the bus for Seniors or Individuals with Disabilities
- Smoking and chewing tobacco is prohibited in all vehicles and facilities
- Keep food and drinks in a sealed, spill proof container
- Respect that service animals are welcomed and may ride for free. All other animals must be kept in their pet carriers and will be allowed on the bus as long as space is available.
  - If a seat is available for your pet, full adult fare will be charged
- No fighting, shouting or using vulgar or offensive language
- No pushing or participating in rough behavior while onboard
- DO NOT distract the driver. Drivers MUST STAY FOCUSED and watch his driving for your safety.
- No Alcohol or illegal drugs allowed on the bus
- No weapons, make shift weapons or any material/item that may be used as a weapon are allowed on the bus
- Stay seated for the duration of your trip and until the bus comes to a complete stop
- Use of electronics is allowed, however it must be used with headphones or volume must be kept as a minimum and not audible to other riders.
- No restricted items are allowed on the bus such as gas tanks, car batteries, spear guns, etc.
- No running on the bus
- Car seats or child restraints must be provided by the rider for children under 40 pounds.
- Due to the inclement weather that we may face, always carry an umbrella or a raincoat.
- Shirt and Shoes must be worn at all times.

- Ensure you have all your belongings as you disembark the bus
- Never run or approach an oncoming bus, wait until it has come to a complete stop.
- DO NOT throw any object/item at the bus to get the drivers attention



**CONSUMER COMPLAINT FORM**

**FOR OFFICIAL USE ONLY**

GRTA Control No. \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Received via ( ) Phone Call ( ) Email ( ) Verbal discussion  
( ) Other \_\_\_\_\_  
Date Closed: \_\_\_\_\_  
( ) Resolved – Letter provided  
( ) Appeal Submitted

All Complaints may be filed by email, written or telephone call. Individuals shall accomplish the form to the best of their knowledge and abilities. Should you need additional information, please contact GRTA at 671-475-4686, 647-7433, by e-mail at [ride@grta.guam.gov](mailto:ride@grta.guam.gov), or mail to P.O Box 2896, Hagatna, Guam 96932.

DATE & TIME: \_\_\_\_\_ GRTA CONTROL NO: \_\_\_\_\_

Service Component – Paratransit ( ) Fixed Route ( )

1. Name (Complainant): \_\_\_\_\_

2. Phone: \_\_\_\_\_

3. Home Address (Street #, City, State, Zip Code): \_\_\_\_\_

4. Driver's Name: \_\_\_\_\_

5. Vehicle License# & Route: \_\_\_\_\_

6. If applicable, the name of the person(s) your complaint is against: \_\_\_\_\_

7. Date of the Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

8. Complaint based on: Disability: ( ) Driver ( ) Dispatcher ( ) Rider ( ) Route ( ) Vehicle ( )

9. Briefly explain what happened and how you feel you were discriminated against. Please include how you feel that others were treated differently than you.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



10. Why do you believe these events occurred?

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11. Is there any other information that you feel may be relevant to this investigation?

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12. How can these issues be resolved to your satisfaction? What type of resolution are you seeking?

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13. Please list any person(s) who we can contact for additional information or to support/clarify your complaint:

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Name of Person Taking the Complaint: \_\_\_\_\_

Findings: \_\_\_\_\_

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Course of Action Taken: \_\_\_\_\_

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Complaint Resolved: \_\_\_\_\_

Complaint Forwarded to Guam Regional Transit Authority System Grievance Review & Appeals Committee: ( )  
Resolution letters prepared and routed to complainant and copy to file. ( )