



## **Americans with Disabilities Act (ADA) Policy and Procedures**

### **Purpose**

This policy provides guidelines to implement the Americans with Disabilities Act of 1990 (ADA), U.S. Department of Transportation regulations (49 CFR Parts 27, 37, and 38), and applicable Maryland laws. All Winter Growth transportation services operate on a demand basis and comply with ADA requirements.

### **Policy**

Winter Growth is committed to complying with all federal and state laws regarding individuals with disabilities. We provide quality transportation services without discrimination against all eligible passengers, including those with disabilities. Discrimination on the basis of disability by any employee will not be tolerated.

### **Goals**

We provide service to meet the following goals:

- Provide individual, dignified services to all eligible passengers, including those with disabilities.
- Expedite safe and efficient boarding, securement, transport, and alighting of all eligible passengers, regardless of mobility status.
- Accommodate a wide range of mobility aids within available vehicles and standard equipment.

### **Applicability**

This policy applies to all Winter Growth employees, services, facilities, and vehicles, as well as all eligible passengers using our services.

### **Definitions**

- Wheelchair: A three- or more-wheeled mobility aid, usable indoors, designed or modified for individuals with mobility impairments (manual or powered).



- **Disability:** A physical or mental impairment that substantially limits one or more major life activities. Winter Growth does not exclude anyone from or deny anyone the benefits of our transit services on the basis of disability.
- **Mobility Aid / Non-Wheelchair Mobility Device:** A device used by an individual with a mobility impairment that does not meet the ADA definition of a wheelchair. Examples include canes, crutches, walkers, wheeled walkers, and Segways used for mobility-related disabilities.
- **Securement Equipment:** Equipment used to secure wheelchairs during transport.
- **Service Animal:** Any animal individually trained to work or perform tasks for an individual with a disability, such as guiding, alerting to sounds, providing minimal protection, pulling a wheelchair, or fetching items.

## **Recruitment and Employment**

Winter Growth is an Equal Opportunity Employer and fully complies with the ADA in recruitment, hiring, and employment practices.

## **Facility and Vehicle Accessibility**

Winter Growth facilities and vehicles meet or exceed 49 CFR Parts 27, 37, and 38 and Maryland state requirements. Vehicles purchased for transportation will be non-accessible only if the system, viewed as a whole, provides equal service to individuals with and without disabilities.

## **Vehicle and Route Assignment**

Vehicle assignments prioritize passenger needs. Accessible vehicles are assigned first to daily runs with potential accessibility needs, second to runs with a history of higher accessibility needs, and third to all other runs. Winter Growth makes reasonable efforts to provide an accessible vehicle upon request. Trip denials are tracked by disability status to monitor for disproportionate denial due to inaccessible vehicle availability. If such disproportionality is found, inaccessible vehicles will be replaced until the system is fully accessible.

## **Wheelchair Accommodation**

Winter Growth transports a wheelchair and its user if the lift can accommodate their size and weight and space is available on the vehicle.



## **Boarding**

Drivers allow adequate time for passengers with disabilities to board and disembark, adjusting schedules as needed. The driver determines the safest boarding location. Passengers or their companions maneuver the passenger and mobility aid to the vehicle. Only a trained Winter Growth driver may operate the lift and secure the wheelchair.

## **Priority Seating**

Except for wheelchair securement stations, Winter Growth does not require designated seating. However, we may require disruptive passengers to sit in a specific area. Priority seating is marked with permanent signage. If requested, the driver will ask seated passengers to yield priority seating to an individual with a disability.

## **Driver Assistance**

Drivers assist individuals with disabilities upon request, including leaving their seat to operate the ramp, lift, or securement systems.

## **Securement**

Drivers are trained to secure wheelchairs. Non-wheelchair mobility aids are the passenger's responsibility but must not interfere with safe operation. If a wheelchair cannot be secured due to its design, the passenger may still ride. Drivers must warn of the danger but cannot deny a ride solely due to the inability to secure the wheelchair. Passengers who refuse securement may be denied service. All passengers must use seat belts and shoulder harnesses.

## **Transfer to Fixed Seating**

Passengers using seated mobility devices may transfer to fixed seating. Drivers may recommend but never require transfer.

## **Service Animals**

Winter Growth allows trained service animals to accompany passengers with disabilities. Drivers may ask what tasks the animal performs but cannot ask for proof of



qualifications. Animals that are out of control or pose a direct threat may be restricted from riding.

## **Alighting**

The driver determines if the alighting location is safe but will allow lift users to disembark anywhere unless the lift cannot be deployed, would be damaged, or conditions are unsafe for all passengers. Only a trained Winter Growth driver may operate the lift.

## **Use of Accessibility Devices by Non-Wheelchair Users**

Passengers not using a wheelchair may request to use the lift to board or alight.

## **Maintenance of Accessible Features**

Lifts and securement devices are maintained in operative condition, including preventive maintenance, lift cycling during pre-trip inspections, and prompt repairs. Drivers report lift failures to the Transportation Coordinator immediately.

## **Accommodation of Portable Oxygen**

Passengers may travel with respirators, concentrators, and portable oxygen, consistent with U.S. DOT hazardous materials rules.

## **Staff Training**

All Winter Growth drivers are trained in accessibility equipment, service policies, and assisting individuals with disabilities sensitively. Drivers report deficiencies or equipment failures to the Transportation Coordinator immediately.

## **Rider Information**

Winter Growth provides printed materials in accessible formats upon request, including large print, audio, and accessible electronic formats.

## **Complaint Procedure**



Disability discrimination complaints are promptly investigated and forwarded to the Human Capital Director. Violations may result in corrective or disciplinary action, up to and including termination.

## **Modification of Policy**

Passengers needing policy modifications due to a disability may request accommodations by contacting the Winter Growth Transportation Coordinator. Winter Growth will work with the individual to find a solution.

## **Winter Growth Commitment**

Winter Growth is committed to providing equitable, respectful, and accessible transportation to all members of our community.



## ADA Disability Discrimination Complaint Form

Winter Growth is committed to providing safe and accessible transportation services. Any person who believes they have been discriminated against on the basis of disability by Winter Growth may file a complaint by completing and submitting this form to:

Winter Growth  
Attn: Human Capital Director  
5466 Ruth Keeton Way  
Columbia, MD 21044

You may also file your complaint by phone at 410-964-9616, or by email at [hr.administrator@wintergrowthinc.org](mailto:hr.administrator@wintergrowthinc.org).

### SECTION I: CONTACT INFORMATION

Name of individual discriminated against: \_\_\_\_\_

Rider/Passenger ID (if applicable): \_\_\_\_\_

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

City, State, Zip Code: \_\_\_\_\_

Telephone (Work/Cell/Other): \_\_\_\_\_

Email: \_\_\_\_\_

Accessible Format Requirements:

Large Print  TDD/Relay  Audio Recording  Other: \_\_\_\_\_

If you are completing this form on behalf of the individual named above, please complete the following:

a. Relationship to the person filing the complaint:

\_\_\_\_\_

b. Reason you are completing this form for the person filing the complaint:



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c. Do you have permission from the person filing the complaint to complete this form?

Yes  No

d. Your contact information:

Name: \_\_\_\_\_

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

Telephone (Home): \_\_\_\_\_ Telephone (Work): \_\_\_\_\_

Email: \_\_\_\_\_

Accessible Format Requirements:

Large Print  TDD/Relay  Audio Recording  Other: \_\_\_\_\_

## **SECTION II: COMPLAINT DETAILS**

Date of Occurrence: \_\_\_\_\_

Explain as clearly as possible what happened and why you believe you were discriminated against. Include the location, describe all persons involved, include names and contact information of witnesses (if known), and any other relevant details. Attach additional sheets or materials as needed.

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Mobility Aid Used (if any): \_\_\_\_\_

Have efforts been made to resolve this complaint?

No  Yes – If yes, what is the status?

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Have you previously filed an ADA complaint with Winter Growth?

No  Yes – If yes, please indicate date of previous complaint: \_\_\_\_\_

Have you filed this complaint with any other local, state, or federal agency or court?

No  Yes – If yes, please indicate which agency(ies) or court(s):

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### **SECTION III: FOLLOW-UP**

What corrective actions do you believe would address your complaint?

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Would you like a response following our investigation of this complaint?

Yes  No

May we contact you if we need more details or information?

Yes  No

What is the best way to reach you? (Choose one: Phone, Email, Other)

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If phone is preferred, what is the best day and time to reach you?

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### **SIGNATURE AND DATE REQUIRED**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## **Americans with Disabilities Act Assurance**

Winter Growth is committed to complying with all federal and state laws regarding individuals with disabilities. We provide quality transportation services without discrimination to all eligible passengers, including those with disabilities. Discrimination on the basis of disability by any employee will not be tolerated.

The Americans with Disabilities Act of 1990 prohibits discrimination against individuals with disabilities in the areas of employment, public services (including transportation), public accommodations (including services operated by private entities), and telecommunications. This federal law sets forth specific requirements for transportation services, vehicles, and facilities. The regulations were codified by the U.S. Department of Transportation in:

- 49 CFR Part 37 – Transportation Services for Individuals with Disabilities
- 49 CFR Part 38 – Accessibility Specifications for Transportation Vehicles

Under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), an individual may not be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance solely by reason of their disability.

Winter Growth is committed to ensuring that no person is excluded from participation in or denied the benefits of the transit services we offer.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_