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AMERICANS WITH DISABILITIES ACT PLAN

Including policies regarding General ADA Requirements, Reasonable Modifications,
No-Shows, and a Suspension Appeals Process

for

Trailblazer Transit

Approved by:

Trailblazer Joint Powers Board

Date Approved:

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Section I. Introduction and Purpose

The Americans with Disabilities Act of 1990 (ADA) requires that individuals with disabilities receive the same level of service as non-disabled individuals. Services that are “separate but equal” are not acceptable. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and any applicable state laws and regulations. Trailblazer Transit operates a demand-response service and complies with ADA requirements with respect to such services.

1.1 ADA Policy Statement:

It is the policy of Trailblazer Transit to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

1.2 Goals:

Service is provided in a manner that meets the following goals:

1. To provide safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. To expedite the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
3. To accommodate a wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

1.3 Applicability:

This policy applies to all transit system employees, services, facilities, and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

1.4 Definitions:

Alighting: The act of an individual getting out of the vehicle. Also called disembarking.

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.

Elevator: Synonymous term for an ADA-compliant wheelchair lift on a transit vehicle.

Fixed Route Service: Operates along a prescribed route according to a fixed (regular) schedule.

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called a mobility aid.

Securement Area or Station: A designated location for riders using wheelchairs (or similar mobility device), equipped with a securement system.

Securement Device, Equipment or System: Equipment used for securing wheelchairs (or similar mobility device) against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been 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 or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Wheelchair: A mobility aid 1) belonging to any class of three- or more- wheeled devices (including scooters), 2) usable indoors, 3) and designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

Section II. General Guidance and Procedures for Implementing Policy

2.1 Recruitment and Employment:

As stated in the transit system's personnel policies, the agency is an Equal Opportunity Employer (EOE) and fully complies with ADA in its recruitment, hiring, and continued employment practices.

2.2 Facility and Vehicle Accessibility:

The transit system administrative facility and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the State of Minnesota. If state requirements do not meet federal requirements, the federal ADA regulations prevail. All vehicles purchased for all public transit service will be accessible.

2.3 Vehicle Use & Assignment:

All demand response vehicles operated by Trailblazer Transit are accessible and persons with disabilities, including wheelchair users, can board any vehicle.

2.4 Maintenance of Accessible Features:

Accessibility features on vehicles, including elevators and wheelchair securement devices, will be maintained in operative condition. The preventive maintenance program of Trailblazer Transit provides for regular and frequent maintenance checks of these

features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the elevator must be cycled as part of each pre-trip inspection.

2.5 Inoperative Elevators:

Drivers are required to report elevator failures immediately. Vehicles with inoperative elevators will be removed from service and replaced with an accessible vehicle until the inoperative elevator is repaired.

2.6 Wheelchair Accommodation:

All accessible vehicles meet or exceed the requirements of 49 CFR Part 38.

Transportation providers are required to transport a wheelchair and its user, as long as the elevator can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If the vehicle's elevator and securement area can physically accommodate a wheelchair (or other comparable mobility device), Trailblazer Transit will transport the mobility device (and its user).

Any individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle elevator will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, transit agency personnel are not permitted to operate a passenger's unoccupied motorized wheelchair. On the other hand, a companion traveling with the individual may operate the unoccupied motorized wheelchair to maneuver it on and off the elevator. Transit agency personnel may maneuver a non-motorized wheelchair on and off the elevator.

2.7 Boarding & Disembarking:

Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. Only a properly trained transit system employee can operate the elevator and secure the wheelchair in the securement station. Passengers may board the elevator facing toward or away from the vehicle.

2.8 Securing Wheelchairs:

Trailblazer Transit requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. Drivers cannot deny transportation to passenger using a wheelchair based on the inability to secure the wheelchair unless there are legitimate safety concerns. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

The driver is responsible for the securement of wheelchairs. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Drivers will listen to and respect riders' instructions on how to secure their equipment provided such instructions meet the manufacturer's specifications.

Drivers cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points on the wheelchair may differ by manufacturer. The rider may be in the best position to instruct the driver on how to properly secure their mobility device.

If the securement system is not compatible with the wheelchair that the passenger is using, the driver will still make an attempt to safely secure the wheelchair to the best of the driver's ability. The wheelchair will not be transported if the situation presents legitimate safety concerns. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride in the vehicle in a passenger seat without occupying the wheelchair. An unsecured wheelchair may not be transported if there are legitimate safety concerns.

Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

In cases where an individual using a wheelchair attempts to board and requires use of a securement location that is currently occupied by another passenger that is not using a wheelchair, the driver will ask that passenger to move to allow the individual using a wheelchair to use the securement position.

2.9 Seat Belt Usage:

When riding in a Trailblazer Transit vehicle, seat belts and shoulder harnesses are required for ALL passengers except for children under the supervision of a caretaker. Seat belt regulations under Minnesota State Statutes 169.686, require a properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, to be worn by the driver and passengers. Trailblazer Transit has seatbelt extenders available should a passenger require or request one.

2.10 Driver Passenger Assistance:

Drivers will make themselves available to provide passenger assistance to individuals with disabilities and will attempt to provide limited passenger assistance upon request of the passenger. Drivers will help a passenger use the vehicle elevator and/or securement systems using the accessibility-related equipment and features on the vehicles. It is the policy of Trailblazer Transit that all wheelchairs be secured by the 4-point floor system to anchor the wheelchair to the floor. It is mandatory that all passengers are secured with seat belts.

2.11 Use of Elevator by Individuals Not Using a Mobility Device:

The driver will deploy and operate the elevator for any individual, with or without a disability, who is not using a mobility device to board or alight the vehicle upon request.

2.12 Accommodation of Other Mobility Devices:

Trailblazer Transit will accommodate mobility devices (other than wheelchairs) that are primarily designed for use by individuals with mobility impairments to the extent that the

ADA-compliant elevator and securement areas can safely do so. However, drivers must be able to secure such devices in a manner that does not interfere with the safe operation of the vehicle or the transport of other passengers.

2.13 Transfer to Fixed Seating:

All passengers using wheelchairs or other mobility devices have the option to transfer to standard seating once on board the vehicle. Drivers may recommend, but never require, wheelchair users to transfer to standard seating. The transit system is not allowed to require waivers for a passenger to remain in a mobility device during transport or for a passenger to transfer to standard seating.

2.14 Accommodation of Portable Oxygen:

Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C. Such devices must be adequately secured by the passenger or attached to a mobility device for safety purposes.

2.15 Priority Seating:

With the exception of the wheelchair securement stations, the transit system does not generally require any passenger to sit in designated seating unless there are safety concerns or an individual is interfering with the transport of another passenger.

Priority seating for seniors and individuals with disabilities is to be designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that is currently occupied by another passenger, the driver will ask that passenger to move so as to allow the individual with a disability to use the priority seating. In cases where a wheelchair user requires the use of a securement location, the driver will ask any passenger (including other passengers with disabilities) to vacate the securement location.

2.16 Service Animals:

In compliance with 49 CFR Part 37, the transit system allows trained service animals to accompany passengers with disabilities. The driver may not ask for proof of the qualifications of the animal. The driver may only ask the following questions:

1. Is the animal required because of a disability? and;
2. What tasks has the animal been trained to perform?

Trailblazer Transit does not impose species or breed restrictions. However, any animal that is not under the passenger's control or becomes a direct threat to the health or safety of other passengers may be restricted from riding.

Emotional support animals or "comfort animals" are not service animals within the context of the US DOT ADA regulations. *Trailblazer Transit does not transport comfort animals or any other non-service animals on its vehicles.*

2.17 Alighting (or Disembarking):

It is the responsibility of the driver to determine that the location for passenger alighting is safe. For drivers to determine safe locations for pick up and drop off, all walkways and wheelchair paths must be clear of snow, ice, parked cars, trash and other obstructions. Trailblazer Transit will allow a passenger who uses the elevator to alight at any location the customer schedules in advance, unless the elevator cannot be deployed, the elevator will be damaged if deployed, or conditions at the stop would present unsafe conditions for any passengers. Only the driver will unsecure the wheelchair and operate the elevator to return the passenger to the ground level.

2.18 Staff Training:

All drivers and appropriate transit system staff are trained to proficiency in the use of accessibility equipment, the operating policies related to the service, and properly and respectfully assisting and interacting with individuals with disabilities with sensitivity. All appropriate Trailblazer employees and mechanics at third-party vendors are also trained to properly maintain elevators and other accessibility equipment.

2.19 Rider Information:

All printed informational materials are made available in accessible formats upon request. Some examples include large print for individuals with low vision or audio for individuals who are blind, as well as accessible electronic formats.

Requests for information about such things as the Transit System Overview, the Fare Structure, and the General Operating Policies can be made verbally to a dispatcher, driver, or manager. Requests may also be sent via email to the ADA contact listed on the front page of this plan.

2.20 Personal Care Attendants:

Under the ADA, an agency cannot require a passenger to have a Personal Care Attendant (PCA) due to disability status. However, an individual with disabilities must still be able to use the public transit service in similar fashion to other customers. The transit system is required to make reasonable accommodations to allow this to happen. However, some individuals have special needs that require special transportation services or medical transportation services that provide a higher level of care than public transportation.

2.21 Stop Announcements:

Trailblazer Transit does not make stop announcements because it does not operate fixed routes or deviated-fixed routes.

2.22 Complaint Procedures:

All complaints of discrimination on the basis of disability will be forwarded to the Executive Director (or designee) for prompt and objective investigation. In addition, Trailblazer Transit will submit all formal ADA complaints received to the MnDOT Office of Transit and Active Transportation (OTAT) Compliance Coordinator within 10 business days of receipt, at which time further investigation occurs to determine the extent of the

complaint and under which class. OTAT will provide the transit system with a written response to the complaint and any actions required.

Trailblazer Transit will promptly communicate its response to the complaint allegations to the complainant, including an explanation for the specific response. The response will be documented. In the event the determination is made that a Trailblazer Transit employee is found to be at fault for any violations of this policy, internal corrective actions may include specialized training for staff, corrective processes or procedures, or disciplinary action for behavior prohibited by this policy, up to and including the possibility of termination of employment.

All documentation for each formal complaint will be kept on file for a minimum of five years. This data retention policy meets DOT regulations that require FTA funding recipients to maintain all complaints of noncompliance with 49 CFR Part 27 for one year, and a record of all such complaints, which is permitted to be in summary form, for five years.

Section III. Reasonable Accommodation Policy

3.1 Background:

The purpose of the reasonable accommodation policy is to ensure that Trailblazer Transit offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

This policy applies to all safety-sensitive transportation vehicle operators and any staff that may be required to operate the vehicle. For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term “reasonable modifications” as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

Trailblazer Transit is committed to providing equal access and opportunity to individuals with disabilities in all programs, services, and activities. Trailblazer Transit recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Trailblazer Transit will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. Trailblazer Transit does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Trailblazer Transit will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Trailblazer Transit, or be subject to discrimination by Trailblazer Transit.

3.2 Definition:

A reasonable accommodation (also referred to as a reasonable modification) is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities. Trailblazer Transit will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for individuals with disabilities, unless:

1. Making the accommodation would fundamentally alter the nature of the public transportation service.
2. Making the accommodation would create a direct threat to the health or safety of other passengers.
3. The individual with a disability is able to fully use Trailblazer Transit's service without the accommodation being made.
4. Making the accommodation creates an undue financial burden on the transit system.

3.3 Eligibility Criteria:

An individual is eligible to be considered to receive a reasonable modification if that individual has:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. A record of such impairment; or
3. Has been regarded as having such impairment.

3.4 Requests for Reasonable Accommodation:

Trailblazer Transit shall make information about how to contact Trailblazer Transit to make requests for reasonable modifications readily available to the public through its website and other rider policy guidelines. Trailblazer Transit shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe verbally or in writing the modification to service needed in order to use the service. "Door-through-Door" services will not be considered a reasonable modification. Trailblazer Transit provides "Door-to-Door" services, meaning drivers provide passenger assistance between the bus and the threshold of the outermost door or entryway.

Therefore, requests for a bus to pull into driveways within city limits will not be considered a reasonable modification.

- b. Individuals requesting modifications are not required to use the term “reasonable modification” when making a request. Personnel at Trailblazer Transit will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly. However, the individual requesting reasonable modifications must still meet the aforementioned eligibility criteria.
- c. Whenever feasible, Trailblazer Transit requests that individuals make such requests for modifications before Trailblazer Transit is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance (e.g., because of a condition or barrier at the destination of a demand response trip of which the individual with a disability was unaware until arriving), dispatchers shall make the determination whether the modification should be provided at the time of the request. Dispatchers may consult with Trailblazer Transit’s management before making a determination to allow or deny the request for a modification of service.

The reasonable accommodation process begins as soon as the request for accommodation is made. The request can be submitted verbally or in any written format. Alternate forms of making a request, such as personal interviews, phone calls, or taped requests, will be accommodated for persons with disabilities upon request. The request must be made by the customer or someone authorized to represent the customer.

3.5 Interactive Process:

When a request for accommodation is made, Trailblazer Transit and the individual requesting an accommodation (or designee) must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual making the request (or designee) and Trailblazer Transit must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

3.6 Time Frame for Processing Requests to Provide Reasonable Modification:

Trailblazer Transit will evaluate requests for reasonable accommodation and then provide any appropriate accommodations in as short a time frame as reasonably possible. However, the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

3.7 Granting a Request for a Reasonable Accommodation:

As soon as Trailblazer Transit determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. When adequate time is provided, this notice must be in writing in order to maintain the required information for reporting purposes. Trailblazer Transit will follow up in writing whenever a request for a reasonable accommodation is approved verbally. Alternate forms of communication are available upon request.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, Trailblazer Transit shall give priority to those options that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

3.8 Denial of Request for a Reasonable Accommodation:

As soon as Trailblazer Transit determines that a request for reasonable accommodation will be denied, Trailblazer Transit will communicate the basis for the decision as soon as possible. Verbal notifications of a denial must be followed up in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- a. The specific reason(s) for the denial;
- b. Any alternative accommodation that may create the same access to transit services as requested by the individual; and
- c. The opportunity to file a complaint relative to Trailblazer Transit's decision on the request.

3.9 Appeals Regarding Requests for Reasonable Accommodations:

Any person who disagrees with the decision regarding a request for a reasonable accommodation may file an appeal by completing and submitting Trailblazer Transit's Reasonable Accommodation Appeal Form.

The appeal process and the required forms shall be posted on Trailblazer Transit's website and will be automatically provided to any individual in cases where Trailblazer Transit has denied a request for accommodation.

3.10 Designated Employees:

Trailblazer Transit shall designate one employee within the organization to be responsible for processing reasonable accommodation requests and a second individual responsible for processing complaints to avoid a conflict of interest.

The person responsible for processing a **REQUEST** for a reasonable accommodation:

Jake Nelson, Dispatch Manager
jnelson@trailblazertransit.com
320-864-1000

The person responsible for processing an **APPEAL** for the denial of a request for a reasonable accommodation:

Gary R. Ludwig, Executive Director
gludwig@trailblazertransit.com
320-864-1000

Section IV. No-Show Policy

4.1 Purpose:

No-shows are a serious detriment to operational efficiency and the quality of transit service for other passengers. Furthermore, no-shows not only waste taxpayer resources, but no-shows almost always represent the lost opportunity for other people to ride the bus, including individuals with disabilities.

This policy is intended to minimize the negative impact of no-shows by habitual abusers of the public transit service and to provide clear protocols for addressing passengers who fail to show for their scheduled ride without properly canceling the reservation for service with the transit system. This policy is intended to address repeat offenders more so than the occasional violations that may occur with some passengers. This policy also serves as a deterrent to prevent no-shows from becoming a bigger problem.

4.2 Definition:

A customer will be considered a no-show under the following circumstances:

1. When a bus arrives at a scheduled pickup location to transport a customer who does not utilize the appointment he/she made to use the public transit service.
2. When a customer is not present at the specified entryway or ready to board when the bus arrives within the pickup window.
3. When the customer does not properly cancel the scheduled ride at least one hour prior to the scheduled pickup time. A customer will not be considered a no-show in the event the bus is running late (i.e. arrives after the expiration of the designated pickup window) **and** the customer calls to cancel the ride. However, failure to cancel the ride, even if the bus arrives late, will result in a no-show.

Customers are not required to pay a fare for a no-show, nor will payment eliminate the record of a no-show.

4.3 Consequences for Violating Customer Operating Policies:

The operating policies outlined in this document have been established to ensure the safe and efficient operation of a highly coordinated public transit system. Trailblazer Transit's response to any violation of these policies is intended to be more educational in nature rather than punitive. The consequences outlined below allow Trailblazer to

better train its customers about how to use the transit system and to increase overall customer satisfaction through the improved operation of the service.

- The first violation of any one specific policy will result in a verbal warning.
- The second violation of any one specific policy will result in a written warning.
- The third violation of any one specific policy within a three-month period **MAY** result in the suspension of all transportation services for a period of one month.
- Any combination of six (6) violations within a six-month period **MAY** result in the suspension of all transportation services for a period of one month.

Trailblazer shall not issue a suspension in situations where no-shows constitute less than 5.0 percent of a customer's total scheduled rides over the previous three months. This policy provides more cushion for error for frequent riders.

Trailblazer will make all reasonable attempts to get a customer to follow the operating policies through education and training prior to suspension. A dispatcher or manager may issue verbal or written warnings to the customer (or caretaker). If a customer violates the same policy after receiving a written warning, a manager will evaluate the details of each violation prior to making a decision regarding suspension. Customers may file an appeal with the transit system to lift or reduce a suspension.

Section V. Suspension Due to Direct Threat to the Health or Safety of Others

The Americans with Disabilities Act (ADA): FTA C 4710.1 Circular Section 2.2.7, § 37.5(h) permits agencies to refuse service to individuals with disabilities if they engage in violent, seriously disruptive, or illegal conduct, or if they pose a direct threat to the health or safety of others.

5.1 Service Denial Due to Rider Conduct:

"It is not discrimination under this part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, an entity shall not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons" (§ 37.5(h)).

5.2 Determining a Direct Threat:

Trailblazer Transit may refuse to transport individuals who pose a significant risk to the health or safety of others. The definition of "direct threat" is intended to be interpreted consistently with the parallel definition in the Department of Justice regulations. That is, Part 37 does not require a public entity to permit an individual to participate in or benefit

from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others. In determining whether an individual poses a direct threat to the health or safety of others, Trailblazer Transit must make an individualized assessment, based on reasonable judgment, that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk, the probability that the potential injury will actually occur, and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk. Presuming certain conduct will occur based on specific disabilities is not appropriate. For example, it is incorrect to presume all riders with particular psychiatric disabilities will behave in a violent manner that constitutes a direct threat to others. The definition of direct threat refers to a direct threat to other individuals and not to the person with the disability.

5.3 Steps to Take Before Refusing Service:

Before refusing service to an individual with a disability, Trailblazer Transit will make reasonable attempts to resolve issues with riders or, if appropriate, caregivers or guardians. Trailblazer Transit will document the incident or incidents leading to the service denial, substantiating how such an incident rises to the level of seriously disruptive or a direct threat.

5.4 Opportunity to Contest Service Denials:

An individual who is denied service has the opportunity to contest that decision, correct the situation, and resume service. Service refusals cannot be permanent unless an individual continues to pose a direct threat to the health or safety of others. To have riding privileges reinstated, riders must have the opportunity to subsequently present information to Trailblazer Transit demonstrating that the issues have been resolved or presenting options to mitigate any problems. This also means providing a rider who is required to travel with an attendant the opportunity to appeal such a requirement. As with service refusals, riders also have the right to provide information demonstrating they have addressed Trailblazer Transit's concerns and can travel without an attendant or to propose other solutions that permit them to travel on their own. Trailblazer Transit will follow the Suspension Appeals Process outlined in this policy.

Section VI. Suspension Appeals Process

A suspension from the use of the public transit system may result from violations of general operating policies, violation of the no-show policy, or for inappropriate or disruptive behavior. Regardless of the reason for suspension, each passenger has the opportunity to appeal the decision through an appeals process.

Appeals for suspension of service must be submitted in writing to Gary R. Ludwig, Executive Director, at 207 West 11th Street, Glencoe, MN 55336, or by email at gludwig@trailblazertransit.com. A written appeal must be emailed, postmarked, or delivered to Trailblazer Transit in person within 14 calendar days from the start of the suspension. Written appeals must include the dates of the service suspension,

circumstances involved in the issues/incidents, the passenger's understanding of the suspension, and any suggested remedies the passenger is offering to justify lifting the suspension and to resume using the transit service. Trailblazer Transit will review all appeals and make a determination as soon as possible.

Alternate methods of filing an appeal, such as personal interviews, phone calls, or taped requests, will be available for persons with disabilities upon request.

Section VII. ADA Discrimination Complaint Process

Eligible individuals have the opportunity to file a complaint if they feel that they have been discriminated against because of a disability. The policy outlining the complaint process shall be posted on Trailblazer Transit's website. Any forms necessary to file a complaint shall also be available on the website. Alternate methods of filing complaints, such as personal interviews, phone calls, or taped requests, will be available for persons with disabilities upon request.

Trailblazer Transit investigates complaints within 30 business days after receipt of the complaint. Only complete complaints with all requested information will be processed. Trailblazer Transit will work with MnDOT OTAT to determine resolution to complaints.

Once Trailblazer Transit receives a complete complaint, the complainant will receive an acknowledgement of receipt of the complaint. If more information is needed to resolve the complaint, Trailblazer Transit may contact the complainant in writing via certified U.S. Mail or email. The complainant has 30 business days to send the requested information to Trailblazer Transit based on the date the request was delivered.

If Trailblazer Transit does not receive the additional information requested within 30 business days, then Trailblazer Transit may administratively close the complaint. In addition, a complaint may be closed if the complainant wishes to stop the complaint. After Trailblazer Transit investigates the complaint and has consulted with and received direction from MnDOT OTAT, a decision will be rendered in writing to the complainant. Trailblazer Transit will issue either a Letter of Finding or Letter of Closure.

- a. **Letter of Finding** – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Trailblazer Transit to address the complaint.
- b. **Letter of Closure** – This letter will explain why Trailblazer Transit has determined that the complaint does not have merit under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of Trailblazer Transit, an opportunity to appeal the decision may be pursued provided the complainant files notice of appeal within 14 calendar days of the initial decision of Trailblazer Transit based on the date of

delivery. In the event of appeal, the complainant will be granted all due process, including the ability to present additional evidence, present the case in person during an appeal hearing, and to be represented by legal counsel.

Instead of filing a complaint with Trailblazer Transit, the complainant also has the right to file a complaint directly with MnDOT, Motor Carrier, or an Ombudsman via their websites.

Trailblazer Transit

Reasonable Accommodation Appeal Process

Trailblazer Transit reviews appeals regarding requests for reasonable accommodations no more than 30 business days after receipt of the appeal. Trailblazer Transit will only process appeals that include all the requested information. Upon receipt of a completed appeal form, Trailblazer Transit will send notification to the appellant acknowledging receipt of the appeal. If more information is needed to resolve the appeal, Trailblazer Transit may contact the appellant. The appellant has 30 business days to send any additional requested information to Trailblazer Transit.

If Trailblazer Transit does not receive the additional information within 30 business days or if there is no contact with the appellant, Trailblazer Transit may administratively close the appeal. In addition, an appeal may be closed if the appellant no longer wishes to pursue the appeal.

After Trailblazer Transit investigates the appeal and has consulted with MnDOT OTAT, a decision will be rendered in writing to the appellant. Trailblazer Transit will issue either a Letter of Acceptance or a Letter of Closure.

1. **Letter of Acceptance** – This letter will summarize the appeal and explains what actions will be taken by Trailblazer Transit to grant the request for reasonable accommodation.
2. **Letter of Closure** – This letter will explain why Trailblazer Transit has determined that the appeal does not merit accommodation under the Americans with Disabilities Act and that the appeal will be closed.

Designated Employees:

Trailblazer Transit shall designate one employee within the organization to be responsible for processing reasonable accommodation requests and a second individual responsible for processing appeals to avoid a conflict of interest.

The person responsible for processing a **REQUEST** for a reasonable accommodation:

Jake Nelson, Dispatch Manager
jnelson@trailblazertransit.com
(320) 864-1000

The person responsible for processing an **APPEAL** for the denial of a request for a reasonable accommodation:

Gary R. Ludwig, Executive Director
gludwig@trailblazertransit.com
(320) 864-1000

Trailblazer Transit
Reasonable Accommodation Appeal Form

Part I.

Date: _____
Name: _____
Address: _____
Telephone: _____
Email Address: _____

Preferred contact method: ☐ Phone ☐ Email Best time to contact you: _____
Additional Formats Needed:
☐ None ☐ TDD ☐ Specify Other:
☐ Large Print ☐ Audio Tape

Part II.

Are you filing this complaint on your own behalf?

☐ Yes >> Proceed to Part III
☐ No >> Please provide the name of the person you are representing and your relationship:
 Name of Individual: _____
 Your Relationship: _____

Please explain why the person has filed for a third-party representative:

Confirm:

☐ I have obtained permission of the aggrieved party to file this form on his or her behalf.
☐ I have not confirmed permission to file this form on behalf of the aggrieved party.

Part III.

If you believe your request for reasonable modification was not heard or you disagree with the decision about the service modifications that you requested, please provide as much detail as possible below concerning the matter.
Trailblazer Transit reviews appeals received no more than 30 business days after receipt.

Date of Original Request for Reasonable Accommodation(s): ____/____/____

Name(s) of Employee(s) Involved: _____

[illegible]

Signature of Person Filing Complaint

gludwig@trailblazertransit.com

Trailblazer Transit ADA Complaint Process

Background

The Americans with Disabilities Act of 1990 (ADA), provides protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally funded program, service, or activity.

Trailblazer Transit is committed to providing non-discriminatory service to ensure that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of its services by providing protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination as stated in the Americans with Disabilities Act of 1990 (ADA).

If you feel that you have been discriminated against, please provide the following necessary information to facilitate the processing of your complaint. If assistance is required to complete the form, or if you have questions, please do not hesitate to call the contact person below at (320) 864-1000. **Once this form is completed, you must return a signed and dated copy to:**

Trailblazer Transit
Gary R. Ludwig, Executive Director
207 West 11th Street, Glencoe, MN 55336
gludwig@trailblazertransit.com

Note: The information on the form is necessary to properly process your complaint. Should you require any assistance completing this form, please call (320) 864-1000.

Trailblazer Transit - ADA Complaint Form

PLEASE PRINT

Section I:

Name of Person Completing Form:

Address:

Telephone (Home/Cell):

Telephone (Work):

Email (optional):

Do you require an accessible format?

Large Print

TTY/TDD

Audio Tape

Other:

Section II:

Are you filing this complaint on your own behalf? *

Yes

No

*If you answered "yes" to this question, go to Section III.

If not, please supply the name and relationship of the person for whom you are filing:

Have you obtained permission from this person to file the complaint?

Yes

No

Section III:

If you believe Trailblazer Transit discriminated based on a disability, please provide as much detail as possible concerning the alleged discrimination.

Date of Alleged Discrimination (Month, Day, Year): _____ Time: _____

Name(s) of Employee(s) involved: _____

Explain as clearly as possible what happened and why you believe you were discriminated against. If more space is needed, please use the back of this form.

Section IV		
Have you previously filed an ADA complaint with this agency?	Yes	No
If yes, provide contact name: _____ telephone number: _____		
Section V		
Have you filed this same complaint with any other federal, state, or local agency, or with any federal or state court?		
[] Yes [] No		
If yes, check all that apply:		
[] Federal Agency: _____	[] Federal Court: _____	
[] State Agency: _____	[] State Court: _____	
[] Local Agency: _____	[] Local Court: _____	
Please provide contact information for the person you communicated with at each of the agencies you listed above (use the back of this form, if necessary).		
Contact Name:	Title:	
Agency Name:		
Address:		
Telephone:		

Important Notice: To protect your rights, your complaint must be filed within 180 days following the date of the alleged discrimination. Failure to file within 180 days may result in automatic dismissal of the complaint. You may attach any additional written materials or other information that you think is relevant to your complaint to this form.

Signature and date required below:

Signature of Person Filing Complaint

_____/_____/_____
Date

If you need assistance completing this form, contact Trailblazer Transit at (320) 864-1000.

Once completed, return a signed and dated copy to:

Trailblazer Transit
Gary R. Ludwig, Executive Director
207 West 11th Street, Glencoe, MN 55336
gludwig@trailblazertransit.com