



AMERICAN WITH  
DISABILITIES  
COLLECTIVE  
TRANSPORTATION  
AND  
ADA PARATRANSIT  
SERVICE POLICY

**Municipality of Hormigueros  
American with Disabilities  
Collective Transportation Services Guide**

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*I. Introduction*

The Municipality of Hormigueros provides transportation services to residents of the municipality. The Federal Programs Office oversees the Collective Transportation Program. The Municipality currently offers Fixed Route Service and ADA Paratransit Complementary Service (henceforth known as Paratransit Service). Both services are offered at no cost to customers.

This Guide is a tool to inform consumers of their rights and responsibilities as a transportation services customer. Due to the evolving nature and fluidity of law, the Municipality will use its best efforts to update materials as substantive changes occur.

This document is geared toward the public service aspect of transportation regarding compliance with the American Disabilities Act of 1990.

*II. FTA Enforcement*

- A. The ADA provides enforcement powers for the Department of Justice (DOJ). The DOJ, Federal Transit Administration (FTA) and the US Department of Transportation (DOT) share enforcement jurisdiction within the area of public transportation.
- B. DOT has responsibility for enforcing the mass transportation provisions of Title II while FTA has primary responsibility for administering the DOT's regulations as they apply to local and state public transportation providers.
- C. The DOJ handles enforcement proceedings when public transit services are provided by non-federal funding recipients.
- D. FTA's Office of Civil Rights handles Title II ADA violations pertaining to vehicle accessibility, paratransit services, training or other such requirements under Title II of the ADA.
- E. FTA enforcement includes suspension, termination of federal assistance, refusal to grant or continue federal assistance, referral to the DOJ for enforcement or other steps as authorized by law.
- F. The process:
  1. FTA, through a compliance review, report, complaint or other means, identifies a problem. FTA will investigate the practice or policy of the alleged noncompliance and determine whether the noncompliance is factual.
  2. If there is a substantiation of failure to comply with Title II requirements, the FTA will seek formal compliance.
  3. If the FTA decides that informal action will not resolve a potential violation, then it may decide to take formal action.
  4. Formal action may include the listing of responses ranging from loss of funding or suspension of service or other steps provided by law.
  5. If the suspension or termination of federal assistance occurs, FTA must perform the following actions:
    - a. FTA must advise the company that they have failed to comply with ADA Title II; and
    - b. FTA must determine that voluntary compliance cannot occur; and
    - c. The Secretary of Transportation must make an "express finding on the record," after a hearing opportunity that the recipient has failed to comply.
  6. FTA also has the option of referring the matter to the DOJ to bring enforcement proceedings by the United States. If such a measure occurs, the DOJ may:
    - a. Perform its own investigation and, absent resolution, initiate litigation; or
    - b. May intervene in litigation already pending before the courts by private persons.

*III. ADA Service Policy*

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The Municipality of Hormigueros provides fixed route transportation services to all individuals. The Municipality will grant equal access to public transportation for people with disabilities in compliance with Americans with Disabilities Act regulations. A mutual understanding of responsibilities should exist between the Municipality of Hormigueros and all passengers.

Collective Transportation services are offered as follows:

|                                 |                       |         |
|---------------------------------|-----------------------|---------|
| <i>Fixed Route:</i>             | Monday through Friday | 7am-3pm |
| <i>ADA Paratransit Service:</i> | Monday through Friday | 7am-3pm |
| <i>Office hours:</i>            | Monday through Friday | 7am-3pm |

Service is not provided on the following holidays:

*New Year's Day  
Three Kings Day  
Martin Luther King, Jr.  
Puerto Rican Heroes & US Presidents Day  
Abolition of Slavery  
Good Friday  
Memorial Day  
US Independence Day  
Juneteenth Day  
Labor Day  
Election Day (General Elections)  
Veteran's Day  
Discovery of Puerto Rico  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Day*

*There may be days when service is suspended due to mandatory trainings, severe weather conditions or emergencies as declared by the Governor of Puerto Rico or the President of the United States. Whenever possible, passengers will be notified in advance of service interruptions or changes via flyers, radio or website announcements.*

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*A. Fixed Route Service*

The policies stated below apply to all passengers regardless of whether they fall within the definitions set forth in the ADA. The information outlines each participant's role in providing for a safe and enjoyable trip.

*1. Drivers responsibilities:*

- a. Provide rides to participants with disabilities.
- b. Treat all passengers with dignity and respect.
- c. Offer assistance, but not lifting, with boarding and/or deboarding. Such assistance is limited to ensuring that the passenger can have access to transportation.
- d. Not deny service because a disability is annoying, inconvenient or offensive to the driver or other riders.
- e. Not deny transportation to a rider whose wheelchair or mobility device is difficult to secure.
- f. Allow service animals to accompany their owners.
- g. Provide audible announcements of major stops and transfer points.

*2. Passenger responsibilities*

- a. Know whether or not your mobility aid is within ADA requirements.
- b. Know the size and weight of your mobility device with yourself in it because the maximum size and weight capabilities vehicle lifts vary. Some vehicles may have a capacity of more than 600 lbs., going as high as 800lbs. However, transportation on a particular vehicle is not guaranteed to any passenger. If you and your mobility device's combined weight exceed 800lbs, the Municipality will not be able to provide you with transportation and you will have to make other arrangements.
- c. Know how to contact the Municipality and receive service route schedules and information.
- d. Arrive at the bus stop at the correct time.
- e. It is expected that all transit riders will maintain appropriate, reasonable personal hygiene. The Municipality may refuse service for health and safety reasons if riders have open or seeping sores or are leaking bodily fluids, until the situation has been contained or corrected.
- f. Keep service animals under control. This means that your animal must be properly leashed and/or harnessed and under the control of handlers at all times. You are responsible for any damages or soiling by your animal. An animal may be prohibited from boarding a vehicle if it presents a threat to the driver or other passengers.
- g. Comply with the Municipality's policy of securing *all* wheelchairs and mobility devices.
- h. You may request lap/shoulder belts and securement for your wheelchair.
- i. Signal or ask the driver to stop the bus at the designated stop before you get there.
- j. Treat the driver and other passengers with courtesy and respect.

*3. Additional Policies*

- a. The Municipality does not currently charge a fare for transportation services. The Municipality will notify the public in advance and offer an opportunity for commentary should it consider changing this policy.
- b. Drivers will adhere to flag stops, as long as it is determined that passengers can safely board or depart the vehicle.
- c. Drivers will ensure passengers with disabilities have adequate time to board or leave the vehicle.

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- d. Drivers will ask non-ADA passengers to vacate preferred seating in order to accommodate ADA passengers.
  - e. In the event that all wheelchair docking stations are filled, wheelchair passengers will have to wait until the next available vehicle on the route.
  - f. Equipment and devices, such as portable oxygen tanks, may be transported but are the passenger's responsibility.
  - g. Drivers are not permitted to assist passengers in using portable life-saving equipment such as portable oxygen equipment or portable respirators.
  - h. The Municipality cannot allow any items to block aisles or place other riders in danger whether it be wheelchairs, scooters, baby strollers, carts, bikes, packages, etc.
  - i. Drivers may, within reason, assist with the loading and unloading of packages. However, packages are a passenger's responsibility. They may not block the aisle or present risks to other passengers or the driver.
  - j. All mobility devices must be secured.
  - k. The Municipality prefers that all passengers using mobility devices be secured with seatbelt restraints. However, if a seatbelt presents a health hazard to a passenger due to his or her condition, the requirement may be waived. The passenger should notify the office of this condition when making the reservation for service. Under no circumstances should mobility devices must not present a hazard to other passengers.
  - l. Passengers with disabilities may request a reasonable accommodation, as long as the request is feasible and does not require a fundamental alteration of service such as arranging specific vehicles for certain passengers.
  - m. Municipal employees will be trained on ADA provisions.
  - n. If a lift is inoperable, the Municipality will remove the vehicle from service until it is deemed safe and operable by the maintenance department. Should the lift be inoperable and out of service for a period of 5 days or more and the Municipality is encountering challenges providing service, it can put the vehicle back into service with an inoperable lift. In the event a wheelchair bound person requires transportation, the Municipality will provide an alternative.
4. *Disruptive Passenger Policy:*
- a. The Municipality may refuse service to any individual *with or without* a disability who engages in violent, seriously disruptive or illegal conduct or threatens the health or safety to others. *The standards for exclusion apply equally to all.*
  - b. The Municipality will not refuse to provide service to an individual with disabilities solely because the individual's disability results in an appearance or involuntary behavior that may offend, annoy, or inconvenience employees or other persons.
  - c. Any passenger who violates the *disruptive passenger policy* will be asked to stop or correct the offending behavior. Police assistance may be sought if necessary. A passenger who refuses to comply will be issued a letter detailing the incident and information on the Municipality's "refusal to provide service" policy. Legal guardians or service providers will also receive a copy of the document. An appeal may be filed pursuant to the process outlined in this policy.
  - d. Examples of violent, seriously disruptive, or illegal conduct resulting in "refusal to provide service" include but are not limited to:
    1. Any conduct or activity that represents a danger to the passenger, other passengers or the driver such as:
      - (a) *Refusing to wear a seat belt*
      - (b) *Unfastening their wheelchair or mobility device while the vehicle is in motion*
      - (c) *Disrupting the driver while he/she is driving the vehicle*

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- (d) Swearing, name calling and/or using abusive language*
- (e) Threatening drivers or other passengers, verbally, physically or in writing*
- (f) Smoking, drinking alcoholic beverages or consuming any illegal substance while on board the vehicle*
- (g) Damaging or destroying vehicle equipment or any employee's or passenger's property*
- (h) Personal hygiene condition that results in a public health hazard or discomfort to other passengers*
- (i) Failing to exit the vehicle at the appropriate stop or destination*
- (j) Disrobing or engaging in lewd behavior.*

5. Oversight

- a. Federal Programs staff will provide oversight to ensure Collective Transportation service policies and standards are being met.
  - 1) The Federal Programs Director or a designated rider will randomly select a route to conduct ride-alongs twice a year.
  - 2) Staff will conduct surveys at random stops annually.
  - 3) A service evaluation form will be available online at:  
[www.municipiohormiguerospr.com](http://www.municipiohormiguerospr.com)

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*B. ADA Paratransit Services*

The Municipality of Hormigueros offers ADA Complementary Paratransit Service (henceforth known as Paratransit Service) for individuals with disabilities unable to independently access the fixed route service due to a disability and distance (more than  $\frac{3}{4}$  of a mile from the nearest fixed route stop). It is not a “taxi” or non-stop service for one individual. It is a shared ride service. Paratransit Service is an *advanced reservation* service. Trips are grouped together depending upon riders’ travel times and locations.

Interested parties should call (787) 849-2545 or (787) 849-2515 ext. 233 for further information. Individuals are required to have their disability certified by a health care professional.

*1. Eligibility Policies and Procedures*

Eligibility for the Paratransit Service is determined within 21 days of the application submission. All applicants are entitled to receive transportation services until an eligibility decision has been made. ADA eligibility policies and procedures are approved by the Mayor of Hormigueros and the Municipal Legislature as required by Municipal ordinance.

*a. Application Procedures*

Applications are available by calling the Federal Programs Office. The application contains two sections: one to be completed by the applicant and the other to be completed by a health care or social service professional. Applications may be submitted in person or by mail. A letter explaining eligibility is included in the application packet that is provided to applicants. Information is also available online at: [www.municipiohormiguerospr.com](http://www.municipiohormiguerospr.com).

*b. Consideration of Home Address*

An applicant’s home address is not the sole determinant for granting or denying program participation. Eligibility is also based on the individual’s capacity to use or not use the fixed route system. Any individual with a disability who lives within the Municipality of Hormigueros may apply. Applicants will be informed in writing of their eligibility.

*c. Visitor Eligibility*

Individuals who live outside the Municipality’s jurisdiction may apply for visitor status to use the service while in the area. No verification of disability is required if the applicant’s disability is apparent. In the case of “hidden disabilities”, the applicant should present verification from a health care provider in advance. Verification of ADA Complementary Paratransit eligibility from another transit system is also accepted. Twenty-one (21) days of eligibility within a 365 day period is provided to qualified visitors with disabilities.

*d. Timely Decision*

It is the policy of the Municipality to make ADA eligibility determinations as promptly as possible, but at most within 21 days of the receipt of a completed application. Applicants are presumed eligible and entitled to use the service from the moment of requesting the service. If an eligibility decision cannot be reached within 21-day period, the Coordinator will contact the applicant by phone on the 21st day and advise them of their presumptive eligibility and right to use the service until such time as the applicant is notified of his or her eligibility.



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*e. Notification of Denial, Conditional or Temporary Eligibility*

Applicants will be informed in writing of denials or conditional/temporary eligibility. Denials will outline the reasons for the determination and include information on the appeals process.

*f. Appeals Process*

Individuals who have been determined ineligible, conditionally or temporarily eligible have the right to appeal the decision of their ADA eligibility. The right to appeal is explained in the determination letter. The letter outlines the appeals process policy and the steps to request an appeal. Appeals must be in writing.

An administrative review will be scheduled once an appeal request is received. If there is sufficient information in the appeal to overturn the initial decision and grant full eligibility, a new determination letter will be issued.

- 1) If an appeal is not overturned with the applicant's additional information, a hearing will be scheduled where the applicant will have the opportunity to present his/her case. The Review Committee will consist of the Internal Auditor, Federal Programs Director and Paratransit Coordinator.
- 2) The Review Committee will have 21 days to consider the information and reach a decision. If there is not sufficient information in the appeal to make a decision, the Committee may schedule a hearing or request further information from the applicant. If the applicant declines to meet with the Committee and/or provide the requested information, a decision will be made based on the available data. *The Committee will have up to 10 days after the scheduled hearing date to reach a decision, whether or not the applicant attended the hearing.* The applicant will be notified in writing of the Review Committee's determination. If requested, transportation to the hearing(s) can be provided to the applicant. The Committee's original decision may become final if the applicant fails to attend a scheduled hearing.

*2. Personal Care Attendants (PCAs) & Companions*

Participants are allowed to travel with a PCA or companion. You must notify the office at the time of the reservation that you will be travelling with a PCA or companion to ensure a seat is reserved for the additional person(s). It is the responsibility of the participant to contact the office to cancel a reservation for a PCA or companion as the seats can then be available for others.

*3. Mobility Device Securement Policy*

- a. The Municipality requires that all common wheelchairs, and/or mobility devices, along with the individual be secured with all provided securement devices and seatbelts. All passengers are required to wear seatbelts.
- b. Individuals who do not want their wheelchair secured but are able to transfer to a seat will be asked to do so and to wear the appropriate seatbelt. The wheelchair or mobility device, will be secured so it will not present a hazard while the bus is in motion.
- c. Any individual with a common wheelchair or mobility device who refuses to allow the device to be secured will have potential hazards explained to them. Hazards include harm to themselves and/or the mobility device from not being properly secured while in motion should an accident or incident occur. They also may have future service declined to them.

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- d. If a particular type of common wheelchair or mobility device cannot be secured, the individual will not be denied transportation. Instead, if the individual is physically able to, he/she will be asked to transfer to a seat and will be required to wear a seatbelt. If physically unable, he/she will be asked to remain in their mobility device and will be asked to be secured, at a minimum, with the shoulder harness seatbelt. In the event that medical circumstances prohibit securement, a reasonable accommodation request will be processed.

4. *Medical Equipment*

Passengers are allowed to carry medical aids such as oxygen tanks. Any type of medical aid must be in a pack or able to be properly secured. At times, vehicles are delayed due to traffic, auto accidents, or unusual circumstances. Participants must have enough oxygen to last the duration of the trip.

5. *Service Animals*

Passengers may be accompanied by service animals. It is a passenger's responsibility to maintain a service animal under control. This means it must be properly leashed and/or harnessed and under the control of its handlers at all times. Passengers are responsible for any damages or soiling by a service animal. The Municipality may bar an animal from boarding a vehicle if it presents a threat to the driver or other passengers.

C. *Reservation Policy*

1. *Advanced Reservations*

The Paratransit Service is an advanced reservation service. Reservations are required for all trips. Participants may request next day transportation. Reservations can be made during office hours, 7am-3pm, Monday through Friday. The Municipality has an answering device where participants can also request transportation after hours, on weekends or holidays. Whenever possible, staff will try to accommodate next day service requests.

Participants may have to adjust pick-up times to accommodate a shared ride or ensure an on-time arrival to appointments. The time offered will not be more than an hour before or after the requested travel time. Rush hour traffic should also be considered when scheduling trips. A customer's ride time may be two and a half (2 ½) times longer than the same trip in a personal vehicle. For example, a 20 minute ride travelling directly to a doctor's office in a personal vehicle may take a passenger an hour to reach the same destination when using Paratransit Service. All arrangements will be discussed in advance. Passengers should plan accordingly given the possibility of long ride times.

The Municipality does not offer same day service for its Paratransit Service. However, if time and space allow, same day service may be provided under certain circumstances.

2. *Same day reservation change:*

Same-day trip changes are permitted if sufficient notice, at least an hour, is provided and the driver's schedule can accommodate the change. Drivers are not allowed to accept trip changes or cancellations.

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*3. Scheduling transportation*

- a. The Paratransit Dispatcher will request the following information for transportation requests:
  - 1) Passenger's pick-up address
  - 2) Destination full address
  - 3) Appointment pick-up and return times
  - 4) Any special assistance requests.
- b. It is a participant's responsibility to be ready when the driver arrives. Participants should be ready at least 15 minutes prior to pick-up time and wait for the driver at the exact address given when making the reservation and, in an area where the approaching vehicle is visible. A driver will only wait 5 minutes before heading on to the next participant.
- c. Pick-up and return trips are scheduled separately. It is assumed that all return trips are needed unless canceled. In the event that a passenger is a "no-show" for the first scheduled trip of the day, subsequent trips for that day are automatically cancelled.
- d. Standing orders  
Participants may request "standing order" reservations for trips which are taken on a regular basis. The vehicle will automatically show unless the passenger calls to cancel the transportation. A standing order trip must meet the following criteria:
  - 1) Taken at least two times per week at the same time.
  - 2) Have the same origin and destination all three days.
- e. Return trips  
Passengers are responsible for contacting the office for return trips. The wait time for pick-up service can be anywhere from 5 – 60 minutes.

*4. Cancelling transportation*

- a. Participants should contact the office at (787) 849-2545 or (787) 849-2515 ext. 233 as soon as possible to cancel a trip. Cancellations can be made at any time, Monday through Friday, or via message during non-business hours or holidays.
- b. Cancellations received 30 minutes or less prior to pick-up time will be logged as a no-show unless there are extenuating circumstances.
- c. If the customer does not cancel a trip, a "No Show" will be issued. If a passenger receives several no shows, sanctions such as service suspension may be issued.

*D. Service Standards & Policies*

*1. Telephone hold time standards*

It is the policy of the Municipality of Hormigueros to have minimum telephone hold times, and no busy signals for reservations.

*a. Standards*

A minimum of 90% of calls will be answered in three minutes, and 95% of calls will be answered in five minutes.

*2. ADA Paratransit On-time Performance Standards*

The Municipality of Hormigueros makes it a policy that its on-time performance shall be 15 minutes prior to the scheduled trip or 15 minutes after the scheduled trip time. Passengers must schedule trips considering this timeframe as well as their appointment time.

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*a. Monitoring On-time Performance*

The Municipality will review on-time performance for pickups and arrivals by comparing driver logs to customer call logs and appointment logs. The Coordinator will randomly call customers to verify times for pick-ups and return trips. Trips performed outside the on-time window will be highlighted for review and evaluation of causes, patterns, and potential actions.

*b. On-time Performance Arrival Standard*

- 1) An on-time arrival is one in which the customer arrives at the destination not more than 30 minutes prior to the appointment time and 0 minutes after the appointment time. The Paratransit Coordinator will discuss with participants the most adequate times for pick-ups. On-time arrivals apply only to trips from home to a destination, not to return trips which do not have set times.
- 2) The on-time performance standard may be relaxed in circumstances where situations beyond the control of the Municipality negatively impact on-time performance, such as severe weather or roadway construction projects. Such dates and times will be documented and those service days will not be included in the on-time performance calculation for the month.
- 3) *Standards*
  - a) A minimum of 95% of trips will have arrivals within the on-time window, with a goal of 100% of trips to have on-time arrivals.
  - b) No more than 5% of late arrivals will be more than 15 minutes late

*c. On-time performance for pick-ups*

*1) Definitions*

- a) On-time pickup - the vehicle arrives no more than 15 minutes before pick-up time and no later than 15 minutes after the scheduled pickup time. An early trip is one in which the driver arrives more than 16 minutes or more to the scheduled pick-up time.
- b) Missed trip - the vehicle does not arrive at all, or arrives outside the on-time window (more than 15 minutes early or late) and the customer chooses not to take the ride.
- c) *Standards*
  - 1) A minimum of 94% of trips will be picked up within the on-time window, with a goal of 100% of trips to have on-time pickups.
  - 2) Not more than 2% of trips will be early (arriving more than 15 minutes prior to the scheduled pickup time.
  - 3) Not more than 2% of late trips will be more than 60 minutes late\*\*
  - 4) Not more than 2% of trips will be missed trips

*d. Oversight Policies*

- 1) The Municipality will conduct monthly reviews of untimely trips in order to identify possible remedies, ensure there is no pattern or practice of untimely service, and will consistently work toward the goal of 100% of trips performed on-time.
- 2) The on-time performance standard may be relaxed in circumstances where situations beyond the control of the Municipality negatively impact on-time performance, such as severe weather conditions or roadway construction projects. These service days, dates and times will be documented separately and will not be included in the on-time performance calculation for the month.

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*\*\*For purposes of this policy, late is defined as the number of minutes after the negotiated pickup time, excluding the on-time window. A vehicle which arrives at 10:30 for a 10:00 scheduled pickup is considered 30 minutes late.*

*e. On-time Performance Standards*

An on-time pickup is one for which vehicles arrive no more than 15 minutes before or after the scheduled time under normal operating conditions. Participants requesting a return trip shall be picked up within 45 minutes of the time the call was received (the on-time call window), in order to comply with on-time performance standards.

*a. On-time arrival –passenger is not more than 30 minutes early (the “on-time arrival window” based on the customer’s known appointment time) and 0 minutes late.*

*b. Standards*

- 1) A minimum of 94% of trips will be picked up within the on-time/early window (not more than 15 minutes before the scheduled pickup time).
- 2) A minimum of 95% of all trips with a known appointment time will have arrival times within standards (not more than 30 minutes prior to the known appointment, and 0 minutes after.).
- 3) Early trips - a maximum of 2% of trips will be early (More than 5 minutes before the on-time pickup window, or 20 minutes earlier than the scheduled time).
- 4) Late trips – nor more than 2% of trips will be more than 60 minutes late (45 minutes beyond the on-time pickup window)
- 5) Missed trips shall be 2% or less, with the goal of 0% missed trips. (Vehicle arrival more than 15 minutes past the scheduled time, and customer chooses not to go.)

*6. Ride time standards*

- a. The standard for ride time shall be a minimum of 25 minutes and a maximum of 60 minutes, depending on the comparable fixed route transit trip.
- b. A minimum of 95% of trips will have ride times within standards, with a goal of 0 trips with ride times over 60 minutes.

*7. Bus lift limitations*

- a. Shared-ride vehicles have lifts that can accommodate a total combined weight of 800 pounds, mobility device plus the customer. The lift can accommodate wheelchair dimensions of 33” x 51”.

*8. Driver Assistance*

If a passenger needs assistance, drivers can provide reasonable assistance.

- a. The driver will:
  - 2) Assist a passenger in boarding a vehicle and getting seated.
  - 3) Assist with seatbelts and securing a wheelchair.
  - 4) Only wait five minutes for a passenger who is not ready
- b. The driver is not permitted to:
  - 1) Enter a home, or enter a building looking for a passenger
  - 2) Drop a passenger at any destination other than what was scheduled.
  - 3) Assist a passenger up or down more than four (4) steps, or over unsafe surfaces such as gravel, grassy slopes

*9. Carry-on Packages*

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Participants are limited to two shopping bags or packages to ensure timely service. Drivers may assist participants to the front door of their residence. If a passenger has more than two shopping bags, he or she will have to carry them. Participants may bring a collapsible shopping cart on board the vehicle.

*10. Special request/ reasonable modifications*

If there is a rule or policy that, due to a passenger's disability, hinders access to the service, the passenger should contact the office to discuss the situation. Requests should be made in advance and will be considered on a case-by-case basis as long as they are reasonable and do not create a direct threat to others or a fundamental change to basic service.

*11. Paratransit Service Drivers*

Drivers have good driving records, undergone criminal background checks and drug and alcohol screening. They are also subject to random drug and alcohol testing as a condition of continued employment. Drivers receive a combination of classroom proficiency in the following areas:

- a) Defensive driving
- b) Substance abuse training
- c) Passenger assistance techniques
- d) Use of lifts and wheelchair securements
- e) Policies and procedures
- f) Radio and emergency procedures
- g) Disability awareness
- h) Pre-trip vehicle inspection
- i) Use of on-board technology

*12. Vehicles*

Vehicles are inspected regularly. Vehicles meet state and federal requirements for safety, are equipped with two-way radios, air conditioning and special accessibility features.

*13. Miss/No-show Policy*

Timely service is a cooperative effort between drivers, passengers and companions. The Municipality has adopted the following procedures for passenger no-shows and misses in the implementation of the Paratransit Service.

All missed trips and no-show trips will be documented in order to apply appropriate sanctions if participants demonstrate a pattern of excessive no-shows or missed trips.

*a. Definitions of Miss/ No-Show*

1) A "no-show" or "miss" occurs when:

- a) failure to show up for a scheduled trip
- b) failure to cancel at least 30 minutes before a scheduled trip
- c) failure to be ready within 5 minutes of the driver's arrival during the pick-up window

*b. A trip will not be considered a "miss" under certain circumstances such as:*

- 1) Accidents
- 2) Family emergency
- 3) Personal care attendant did not arrive on-time to assist the rider

The passenger should contact the office at (787) 849-2545 or (787) 849-2515 ext. 233 as soon as possible if an emergency occurs to alert transit staff of the situation. This will prevent a trip from being logged as a "no-show" and possible service suspensions.

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- c. “No Shows” are not excused when the trip is not canceled at least 30 minutes prior to the scheduled pick-up time and is missed for one of several reasons, including but not limited to:
  - 1) A passenger did not want to travel on that date
  - 2) A passenger received another ride
  - 3) Passenger did not contact the office to cancel the trip

A miss does not affect a passenger’s riding privileges when it occurs due to driver lateness or transit agency error. If the driver is late and the passenger takes alternate transportation, it is requested that the office be notified so the driver can then proceed to the next destination.

Additional factors such as illness, failure of a companion to arrive may be also considered as “beyond a rider’s control” for purposes of the “miss/no-show” policy.

#### *14. Miss No-Show Policy Sanctions*

The Municipality may impose sanctions for a pattern and practice of missed trips by a customer. A pattern or practice involves intentional, repeated, or regular actions, not an isolated, accidental, or singular incident. A review of a customer’s “No Shows” can occur if there are at least three (3) “No Shows” within a 30-day period. A sanction may be imposed if more than 50% of trips scheduled during that period were unexcused “No Shows”.

Staff must perform a thorough investigation and provide adequate documentation to support a suspension of service. Every effort is made to consider special circumstances or events beyond a rider’s control. Customers must be notified *ahead of time* in writing or in any other accessible format, of sanctions to be imposed. A verbal notification must be delivered to the customer in the event of immediate sanctions. Written notice (or in an accessible format) must then follow.

The notice will explain the causes for the sanction. It will also explain the process to file an appeal.

- a. *Timeline*
  - 1) After one (1) “No Show,” the Coordinator will issue a verbal warning and remind the participant of the Municipality’s “No Show” Policy.
  - 2) After two (2) “No Shows” within a 30-day period, the Coordinator will issue a written warning to the customer.
  - 3) After three (3) “No Shows” within a 30-day period, AND if more than 50% of all trips scheduled during that period were “No Shows” that were not beyond the customer’s control, a one week (7 days) suspension of service may occur.

No-shows are a costly waste of vehicle time and money. They disrupt schedules, inconvenience other riders and could prevent someone else from traveling at that time.

The cooperation of riders is vital. By working together, we can keep no-shows to a minimum and continue to improve the efficiency and effectiveness of the transportation service.

#### *15. Appeals process*

A customer has the right to request a hearing to appeal service suspensions or terminations. If a passenger is refuting a No-Show sanction, he or she must include the times, dates and pick up addresses that are in question.

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A customer will have sixty (60) calendar days from the date of the notification letter to file an appeal with the Municipality's EEO Officer. The information concerning the appeals process will be included in the correspondence sent to the participant, caregiver, guardian or advocate.

Requests must be submitted in writing to:

Federal Programs Office  
Municipality of Hormigueros  
PO Box 97  
Hormigueros, Puerto Rico 00660

If during the ADA appeals process it is determined that the Municipality legitimately refused service to an individual who engaged in violent, seriously disruptive, or illegal conduct, the EEO Officer may authorize service if and when certain conditions are met that would mitigate the problem. For example, the EEO Officer may require the presence of a companion as a condition of providing service it otherwise had the right to refuse.

In evaluating the request, the EEO Officer may hold a hearing and gather evidence regarding the claim and the proposed sanction. The passenger will have an opportunity to present evidence and witnesses at the appointed time. The EEO Officers findings will be final and binding.

**B. *Customer Complaint Policy***

It is the policy of the Municipality of Hormigueros to receive complaints or comments about services, personnel, policies or procedures from riders. The Municipality maintains logs of complaints and corresponding resolutions.

The complaint procedure is a tool to investigate and correct individual or systemic problems, educate riders, improve service quality, identify gaps in service and increase confidence in the system. Lodging a complaint will not trigger retaliation.

**1. *Complaint Policy***

- a. A complaint is a record of dissatisfaction about any aspect of the service and may be registered by anyone.
- b. Complaints are accepted via telephone, in person or in writing or online.
- c. Drivers are not authorized to receive complaints. They are instructed to inform participants of the complaint procedure.
- d. There is no arbitrary "strict limit" on the age of a complaint except as is practical for investigation
- e. Participants will receive a response within 10 business days to every complaint filed
- f. Participants will be protected from retaliation and, when appropriate or necessary, will be guaranteed confidentiality
- g. The Municipality maintains a "separation of authority" for the complaint investigation and resolution process – complaints are reviewed by administrative staff not involved in the original situation.
- h. When filing a complaint, the following information is required:
  - 1) Complete name and address of the complainant
  - 2) The date and day of the event (i.e., Monday, January 25th)
  - 3) The service you were using (i.e., Fixed Route or Paratransit Service)
  - 4) The name of the person who took the call
  - 5) An exact description of the incident



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2. *Complaint triggers*

There are no hard and fast rules regarding complaints. Some examples of when passengers can file complaints are:

- 1) Vehicle is more than 20 minutes late
- 2) Vehicle is more than 10 minutes early
- 3) Dispatcher or driver is rude or fails to provide assistance
- 4) The vehicle is dirty, does not meet safety standards (i.e., working seatbelts, tie downs for wheelchairs, etc.), or any other potential safety hazard
- 5) Call does not get through or hold time is more than 5 minutes
- 6) Driver is driving erratically

3. *Complaint procedures*

- 1) Complaints are recorded on the complaint form and assigned a unique log number for tracking and retrieval.
- 2) Complaints are forwarded on the same day to the Internal Auditor for investigation.
- 3) All contact is documented, including when and by whom, the result of the investigation and required action. Each valid complaint is coded according to both the outcome (late arrival) and the cause (dispatching error) in order to identify the specific reasons for poor service and identify remedies.
- 4) Corrective action is documented
- 5) Complaints and supporting documentation are filed in log number order and kept on file for five years.

4. *Complaint standards*

- 1) Participants will receive a response within 10 business days of receipt of the complaint
- 2) A monthly report summarizing the number and types of complaints is prepared for the Mayor's Office.
- 3) A secondary report listing the cause of each complaint is also prepared for the Mayor's Office.
- 4) The monthly complaint summary report will be completed and provided to the Mayor by the 20th of the following month.
- 5) The rate of complaints will not exceed 5 complaints per 10,000 trips (for both services).

5. *Positive Feedback*

Passengers are encouraged to share positive experiences as well as complaints. Compliments about drivers, phone operators, or service in general, are passed along to highlight outstanding performance.

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*Estado Libre Asociado de Puerto Rico  
Municipio de Hormigueros  
Transportación Colectiva  
ADA Complaint Form (Querella)*

Complaint \_\_\_\_\_

Querella # \_\_\_\_\_

Name (Nombre): \_\_\_\_\_

Address \_\_\_\_\_

(Dirección): \_\_\_\_\_

Telephone # (Teléfono): \_\_\_\_\_

( )

( )

Explain as clearly as possible what happened and why you believe you were the object of discrimination. (Explique en detalle lo que sucedió y porque cree que fue objeto de discrimen.):

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You can also use the following section to check off the item that best describes the incident. (También puede utilizar la siguiente sección para marcar la situación que mejor describe el incidente.)

| <i>Incident (Incidente)</i>          | <i>Date (Fecha)</i> | <i>Comments (Comentarios)</i> |
|--------------------------------------|---------------------|-------------------------------|
| 1) No vehicle pickup                 |                     |                               |
| 2) Pickup 15-30 minutes late         |                     |                               |
| 3) Pickup 30 minutes or more late    |                     |                               |
| 4) Pickup more than 15 minutes early |                     |                               |
| 5) Will call 45-80 minutes           |                     |                               |
| 6) Will call more than 80 minutes    |                     |                               |
| 7) Late arrival at destination       |                     |                               |
| 8) Trip denial                       |                     |                               |
| 9) Phones busy – can't get through   |                     |                               |
| 10) Driver attitude                  |                     |                               |
| 11) Driver assistance                |                     |                               |
| 12) Coordinator attitude             |                     |                               |
| 13) Vehicle dirty / condition issues |                     |                               |

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*Estado Libre Asociado de Puerto Rico  
Municipio de Hormigueros  
Transportación Colectiva  
ADA Complaint Form (Querella)*

Complaint \_\_\_\_\_

Querella # \_\_\_\_\_

|                                   |  |  |
|-----------------------------------|--|--|
| 14) Vehicle equipment not working |  |  |
| 15) A/C not functioning           |  |  |
| 16) Other                         |  |  |
| 17)                               |  |  |
| 18)                               |  |  |

Signature (Firma): \_\_\_\_\_

Date (Fecha): \_\_\_\_\_

*Name of person completing the form if not the complainant. (Nombre de la persona completando el formulario si no es el querellante.)*

Name (Nombre) \_\_\_\_\_

Signature  
(Firma) \_\_\_\_\_

Date (Fecha): \_\_\_\_\_

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*Do not write below the line. For official use only. No escriba debajo de la línea. Solo para uso oficial.*

Status (Estado):

Active investigation (Bajo investigación) \_\_\_\_\_

Pending review (Pendiente de revisión) \_\_\_\_\_

Closed (Cerrado) \_\_\_\_\_

Results and corrective actions if warranted  
(Resultados y medidas correctivas de ser necesario):

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\_\_\_\_\_  
Name Municipal Officer Nombre  
Oficial Municipal

\_\_\_\_\_  
Signature  
Firma

\_\_\_\_\_  
Date  
Fecha

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MONTHLY COMPLAINT SUMMARY REPORT

MONTH OF: \_\_\_\_\_

| Complaint type                       | Date(s) |        |        |        | Total |
|--------------------------------------|---------|--------|--------|--------|-------|
|                                      | Week 1  | Week 2 | Week 3 | Week 4 |       |
| 1) Ride time                         |         |        |        |        |       |
| 2) No vehicle pickup                 |         |        |        |        |       |
| 3) Pickup 20-30 minutes late         |         |        |        |        |       |
| 4) Pickup 30-60 minutes late         |         |        |        |        |       |
| 5) Pickup more than 60 minutes late  |         |        |        |        |       |
| 6) Pickup more than 15 minutes early |         |        |        |        |       |
| 7) Will call 45-80 minutes           |         |        |        |        |       |
| 8) Will call more than 80 minutes    |         |        |        |        |       |
| 9) Late arrival at destination       |         |        |        |        |       |
| 10) Trip denial                      |         |        |        |        |       |
| 11) Invalid no-show                  |         |        |        |        |       |
| 12) Phones busy – can't get through  |         |        |        |        |       |
| 13) Long hold time                   |         |        |        |        |       |
| 14) Driver Attitude                  |         |        |        |        |       |
| 15) Driver Assistance                |         |        |        |        |       |
| 16) Coordinator Rep. Attitude        |         |        |        |        |       |
| 17) Vehicle dirty / condition issues |         |        |        |        |       |
| 18) Vehicle equipment not working    |         |        |        |        |       |
| 19) Heat / AC not functioning        |         |        |        |        |       |
|                                      |         |        |        |        |       |
| <b>TOTAL COMPLAINTS</b>              |         |        |        |        |       |

Prepared by: \_\_\_\_\_ Signature \_\_\_\_\_ Date: \_\_\_\_\_

Certified by: \_\_\_\_\_ Signature \_\_\_\_\_ Date: \_\_\_\_\_

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**Municipal Reasonable Modification Policy**

In accordance with the Americans with Disabilities Act, the *Municipality of Hormigueros* is required to make reasonable modifications to policies, practices, and procedures to avoid discrimination and ensure that our transportation programs are accessible to all customers

**Public Request Process**

- Requests should identify which transportation service the reasonable modification applies to.
- Requests should be as specific as possible and detail why the requested modification is needed in order to allow the individual to use the transportation service.
- Requests should be made in writing or by email, but will be accepted by phone if needed. Requests should be directed to [www.hormiguerospr.com](http://www.hormiguerospr.com) or  
*Federal Programs Office  
Collective Transportation Services  
Attn. Paratransit Coordinator,  
11 Mateo Fajardo St. Hormigueros, PR 00660.*

Phone requests should be made to (787) 849-2545 or 787 849-2515 ext. 233.

- “On-the-spot” requests will be accepted for circumstances that may arise while utilizing the transportation services by making a request to the driver. A passenger should make the request as soon as he or she is aware of the particular need for the modification. The driver may make the determination or request a decision of a supervisor dependent upon the situation.
- All requests/documentation will be maintained in a designated file at the transportation providers’ offices for a minimum of five (5) years from date of request.

**Exceptions**

Any and all requests for reasonable modifications will be considered but the determination will take into account the following exceptions:

- Fundamental alteration of service (such as change in operational hours or requesting the driver to act as personal care attendant)
- Direct threat to the health or safety of others (such as leaving vehicle unattended or in an unsafe operating position)
- Not needed by the participant to use the service
- Undue financial or administrative burden

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**AMERICANS WITH DISABILITIES ACT (ADA) STATEMENT:**

The Municipality of Hormigueros, in compliance with the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, as amended, and the U.S. Department of Transportation's regulations 49 CFR Parts 27, 37, 38, and 39 states that no entity shall discriminate against a person with a disability in the provision of transportation services regardless of the funding source, whether federal or not.

Any person who believes he or she has been subjected to a discriminatory practice on the basis of his or her disability, may file a complaint with the Municipality of Hormigueros. Complaints or inquiries should be addressed to:

*Office of the Internal Auditor  
Municipality of Hormigueros  
PO Box 97  
Hormigueros, PR 00660  
(787) 849-2515 ext. 266*

You can review the Municipality of Hormigueros ADA Collective Transportation Service Policy at any of the following locations:

- ❖ *Mayor's Office*
- ❖ *Internal Auditor's Office*
- ❖ *Municipal Libraries,*
- ❖ *Federal Programs Office,*

The policy and complaint forms are also available online at:

[www.municipiohormiguerospr.com](http://www.municipiohormiguerospr.com)

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**POLÍTICA DE LEY ADA – AMERICANS WITH DISABILITIES ACT**

El Municipio de Hormigueros, en cumplimiento con la ley ADA - Americans with Disabilities Act de 1990, Sección 504 de la Ley de Rehabilitación de 1973, según enmendada, y reglamentos del Departamento de Transportación de Estados Unidos - 49 CFR Partes 27, 37, 38, y 39, establece que ninguna persona será objeto de discrimen por discapacidad en los servicios de transportación, independientemente de la fuente de fondo, ya sea federal o no.

Toda aquella persona que entiende que ha sido objeto de discrimen basado en alguna discapacidad puede radicar una querrela con el Municipio de Hormigueros. Querellas o preguntas deben ser dirigidas a:

*Oficina del Auditor Interno  
Municipio de of Hormigueros  
PO Box 97  
Hormigueros, PR 00660  
(787) 849-2515 ext. 266*

La política de Ley ADA y el Servicio de Transportación Colectiva del Municipio de Hormigueros está disponible para su revisión en las siguientes localizaciones:

- ❖ Oficina del Alcalde
- ❖ Oficina el Auditor Interno
- ❖ Bibliotecas Municipales
- ❖ Oficina de Programas Federales

La política y los formularios de querellas también están disponibles en línea en:

[www.municipiohormiguerospr.com](http://www.municipiohormiguerospr.com)