



# **Town of Oro Valley Development and Infrastructure Services**

## **Transit Services Division Rider Policies and Procedures Manual**

**December 10, 2014**

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## **MISSION STATEMENT**

The Transit Services Division is a team of transportation professionals committed to providing high-quality demand response public transportation in a safe, dependable, and courteous manner. The Transit Services Division promotes mass transportation alternatives in the region and assists Regional Transportation Authority in the operation of the Sun Shuttle Dial-a-Ride service and selection of the most cost-effective and convenient transportation alternative.

## **Town of Oro Valley and the Regional Transportation Authority (RTA) Partnership**

Sun Shuttle Dial-a-Ride is part of the Sun “suite” transit services available in Pima County through the Regional Transportation Authority. Oro Valley Sun Shuttle Dial-a-Ride is an all-inclusive transit alternative for the north Pima County area.

## **THE SERVICES OPERATED BY Transit Services Division**

Transit Services Division operates the regions Sun Shuttle Dial-a-Ride within the Oro Valley community and surrounding areas. This service offers three demand response specified services. Service is provided to the general public in the Oro Valley area. The service area is expanded for seniors and persons with disabilities. Everyone is eligible to ride the Sun Shuttle Dial-a-Ride. For service area boundary details, call (520) 229-4990 or visit: [www.suntran.com/sunshuttle/shuttle-route.htm](http://www.suntran.com/sunshuttle/shuttle-route.htm).

## **POLICIES**

### **General Policies**

The following policies apply to all of Transit Services Division's services, including Sun Shuttle Dial-a-Ride service.

1. Passengers must pre-pay their fare when making their reservation.
2. For the comfort of all passengers, smoking, eating, drinking, chewing and using illegal substances in Sun Shuttle Dial-a-Ride vehicles are prohibited.
3. When playing an audio device, use a headset and keep the volume low so that others are not disturbed. Also, be considerate of other passengers when using personal communication devices. Keep the conversation brief and your voice low.
4. Limit your conversation with the driver to questions regarding Sun Shuttle Dial-a-Ride services only, so the driver can focus his attention on safe driving.
5. A driver may refuse to transport a passenger who appears to be under the influence of alcohol, illegal or dangerous substances, or whose behavior or language appears abusive, offensive, disorderly or dangerous to himself, the driver or other passengers.
6. Passengers may not carry articles onto a Sun Shuttle Dial-a-Ride vehicle that cannot be held by the passenger or secured under the seat. Passengers shall not place articles in the aisle of the Sun Shuttle Dial-a-Ride vehicle.
7. Strollers are permitted on Sun Shuttle Dial-a-Ride vehicles only if folded. Please fold the stroller before boarding and carry your child on the bus.
8. A parent or guardian must accompany children under age 5.

### **Eligibility for American's with Disabilities**

In accordance with the American's with Disabilities Act (ADA) of 1990, the Regional Eligibility Program determines paratransit eligibility, advises out of town visitors, and provides a regional appeal process.

The evaluation process begins with an application for ADA Paratransit Eligibility Certification, and may involve contact with professional references and an in-person assessment of functional travel skills.

You can request an application be sent to you online, or contact the ADA Office by phone.

#### **Contact the City of Tucson's ADA Paratransit Eligibility Office**

- (520) 791-5409 Phone
- (520) 791-5453 Fax
- (520) 791-2639 TDD/TT

- Specialservices@tucsonaz.gov
- 35 W. Alameda  
Tucson, AZ 85701

### **Geographic Areas Served**

Sun Shuttle provides dial-a-ride service for individuals who reside in the Oro Valley area. The service area boundaries for general public, seniors and persons with disabilities vary. For service area boundary details, call (520) 229-4990 or visit: [www.suntran.com/sunshuttle/shuttle-route.htm](http://www.suntran.com/sunshuttle/shuttle-route.htm).

### **Days and Hours of Operation**

#### **General Public, Senior and ADA Certified Passengers**

Monday–Friday

6:00 a.m. to 8:00 p.m.

#### **ADA Certified Passengers Only**

Saturday, Sunday and Holidays

9:00 a.m. to 6:00 p.m.

Holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

### **Reservation Policy**

Reservations must be made by 4 p.m. the day before the requested trip. Reservations may be made on-line or by phone.

Online: <https://www.orovalleyaz.gov/town/departments/public-works/transit-services>

Phone: 520-229-4990.

Reservations are accepted as much as 14 days in advance. Your trip may be scheduled up to one hour (60 minutes) earlier than your first requested pickup time or up to one hour later than your subsequent requested pick-up time(s) in order to serve as many people as possible and to use our vehicles in the most efficient manner.

### **Same Day Service**

May be allowed, based on service levels and cancellations, but is often not available.

### **Trip Prioritization**

No trips are prioritized over others; trips are scheduled first come, first-served.

### **Trip Denial**

Trips are scheduled as reservations are received. Denials are permitted if the schedule cannot accommodate the requested trip.

## **Late Policy**

In order to provide service to as many people as possible, it is essential that all passengers be ready at their scheduled time. Passengers who are not ready for the scheduled pickup time cause the driver to fall behind schedule and inconvenience other passengers. Sun Shuttle Dial-a-Ride is a shared transportation service, and we are dedicated to making all scheduled trips.

It is the passenger's responsibility to be ready and waiting at their door (or curb, if they are able) by their scheduled pick-up time. If the passenger is not ready and at the door the driver will make his or her presence known, call dispatch, and wait a minimum of 2 minutes. If the passenger has not called the dispatcher to reschedule or cancel the trip, the dispatcher will instruct the driver to depart for the next pickup, and the late passengers will be considered "no-show."

## **Missing Scheduled Trips (No Show Policy)**

**Oro Valley Dial-a-Ride abides with the regional policy as established by Sun Shuttle and detailed below.**

### **Purpose**

To establish a policy that provides procedures that follow Federal Transit Administration (FTA) guidelines addressing the issue of No Shows in Complementary ADA Paratransit Service, as well as Premium Paratransit Service.

### **Definition**

A No Show exists when the customer (or customer's representative) has:

- Scheduled Sun Shuttle service, AND
- The Sun Shuttle vehicle has arrived at the scheduled pick-up point within the specified 30-minute pickup window, AND
- The driver has waited at least two (2) full minutes beyond the beginning of the 30-minute pickup window, but the customer failed to board the vehicle, AND
- The driver (while sitting in the driver's seat) cannot reasonably see the customer approaching the vehicle.

OR

- There has been no call by the customer or their representative to cancel the scheduled trip two or more hours prior to the start of the scheduled pick-up time, or the customer calls to cancel, but it is not two or more hours prior to the scheduled pick-up time.

## **Policy**

When a No Show occurs, the driver will verify the No Show with the dispatcher. A Sun Shuttle representative will attempt to call the passenger to determine if the reason for the No Show was beyond the customer's control. A customer will not be charged a No Show if Sun Shuttle determines that the reason was beyond their control. After discussion with the customer, or if no contact is made with the customer and Sun Shuttle has determined through investigation that the No Show was under the control of the customer, the No Show will be charged to the customer, and notification will be sent to the customer. The notification will contain information as to time, date, etc. and will give information as to the appeals process, though only a No Show resulting in suspension can be appealed. If a No Show occurs on the first trip, the return trip will not automatically be cancelled unless a reasonable effort to contact the passenger has been made.

## **Penalties**

Calculations for penalties begin effective after the passenger's 20th trip.

The Sun Shuttle computer system keeps track of each trip a customer has requested, scheduled, taken, cancelled and/or "no showed." When a No Show occurs, the computer will calculate the percentage of No Shows for that customer's scheduled trips for the preceding six (6) months. This will be calculated as follows:

$$(\text{No Shows} / (\text{Scheduled Trips} - \text{Cancelled Trips})) \times 100 = \% \text{ of No-Shows.}$$

All penalties imposed under this policy are first subject to the appeals process listed below. Penalties for No Shows based on a percentage of rides scheduled are:

1. 3% - verbal contact, copy of policy mailed
2. 5% - five (5) consecutive days suspension

For each successive No Show, the percentage will again be calculated. If the percentage is greater than or equal to 5%, each successive No Show (within six months of the last suspension and/or after the passenger has completed a minimum of 20 trips) will be given a suspension as follows:

1. 2nd Occurrence: fifteen (15) consecutive days suspension
2. 3rd Occurrence: thirty (30) consecutive days suspension

Sun Shuttle will use a rolling six-month time period for the Scheduled Trips, Cancelled Trips and No Show categories. Any trips and No Shows older than 182 days or that resulted in a suspension will not be used in the No Show percentage calculation.



## **Appeals Process**

Before an ADA-eligible person is suspended from Sun Shuttle service, Sun Shuttle will attempt to call the person, and will notify the person in writing of Sun Shuttle's intention to suspend service. If the customer's file shows a caregiver, guardian or advocate, then a copy of the warning, suspension, and appeals process will be sent to that person also. The suspension notice will document the specific, verified occurrences of No Shows. The individual will have fourteen (14) days from the date of the letter to file an appeal with the ADA Appeals Coordinator. Once the letter requesting an appeal is received, an appeals hearing will normally be facilitated within the calendar month following the receipt of the appeal, pending the meeting schedule of the ADA Appeals Board. Trips on Sun Shuttle to attend the appeals hearing will be provided free of charge and the customer will be able to schedule and ride Sun Shuttle as usual during this appeals period. The customer, caregiver, guardian or advocate will receive a written decision from the ADA Appeals Coordinator informing the customer of the decision within thirty (30) days. If the customer does not file an appeal to the notice of suspension, then the suspension will become effective at the end of the 14-day period.

## **Incentives**

Customers who keep their appointments reduce the cost of No Shows and reduce the cost per passenger trip. Sun Shuttle will reward these customers based on the frequency of their trips and zero No Shows in a calendar year.

Customers who have zero No Shows and ride an average of six trips a week will receive ten free rides.

Free rides will be credited to the customer's account by February 28th of the following year. New customers will not be eligible for the No Show awards until they have been riding for a full calendar year.

## **Education and Assistance**

Sun Shuttle will make this policy and other policies available to our customers by providing policy summaries to all customers once ADA eligibility has been established. All Sun Shuttle employees will receive initial training on this policy as well as updates and refresher training as necessary.

In addition, Sun Shuttle reservationists will attempt to remind the customer when they book a trip that if they have to later cancel that trip, to do it more than two hours prior to the trip.

### **Will Call Services – ADA Certified Passengers Only**

When scheduling a trip, the passenger can inform the reservationist that a Will Call is needed for the return trip because the exact time of the return trip is unknown. Will Call trips will be provided within two hours of the time the call is placed to Sun Shuttle. Passengers may request only one Will Call for each scheduled trip.

### **On-time Pick-up Standard**

It is our standard to deliver 90% of all trips within pick-up window.

### **On-time Drop-off Standard**

It is our standard to deliver 95% of all trips within the drop-off window.

### **On-time Window**

Arrival at your destination may be up to 15 minutes prior to the scheduled arrival time.

### **No Strand Policy**

No customer with a scheduled return or will-call will be left stranded.

### **Fare Policy**

The base fare for Sun Shuttle Dial-a-Ride service is \$3.20 each way. A registered Personal Care Attendant may accompany their client at no additional charge. Companions may accompany the individual with prior notice to the reservationist for \$3.20 each way.

Fare must be pre-paid for each trip requested.

### **Passenger Assistance Policy (Origin-to-Destination)**

All Sun Shuttle Dial-a-Ride drivers are trained in passenger assistance techniques and will provide passenger assistance in boarding and disembarking the vehicle. Passenger assistance may include guiding the passenger to the vehicle, lending a steady arm for balance in boarding the vehicle, finding a seat or securing a wheelchair. However, the Sun Shuttle Dial-a-Ride drivers will not provide assistance that involves bearing weight, including lifting and carrying passengers. The driver may refuse service if the passenger cannot safely travel to and from the vehicle without the driver lifting or carrying the passenger. Individuals who need extensive assistance in traveling should arrange for a Personal Care Attendant to accompany and assist them. Sun Shuttle Dial-a-Ride does not provide Personal Care Attendants. When service is first provided to a new passenger, a Supervisor may be present to assess assistance needs of the new passenger.

At no time will a driver be permitted to leave their vehicle unattended by losing sight of the vehicle for an extended period of time, or take action that would be clearly unsafe.

Door-to-Door service is provided for ADA qualified passengers and for seniors. Door-to-Door service is defined as providing assistance to or from the entrance to the building. Passengers with-in the building are expected to get to and from the entrance on their own. If the passenger with-in the building require assistance to or from the entrance of the building they must arrange for a Personal Care Attendant. Drivers will not routinely assist passengers to or from rooms or offices within the facility. If a passenger is unaware of this policy, the driver may give one-time assistance within the building if directed to do so by the dispatcher. The dispatcher will report the incident management for resolution of future rides for that passenger.

Curb-to-curb service is provided to general public riders. These riders will be picked up and dropped off at the main office of an apartment complex.

Drivers will not enter passenger's homes. For the safety and protection of both drivers and passengers, it is against our policy to provide this type of assistance. Sun Shuttle Dial-a-Ride is not a delivery service. Passengers are responsible for carrying their own belongings. Sun Shuttle Dial-a-Ride drivers are available to assist customers with bags or packages. For safety and occupancy concerns, passengers are limited to 4 bags. The total weight should not exceed what can be reasonably carried by one person in one trip (approximately 40 lbs.). Packages that cannot be stowed on the passengers lap or under the seat are not permitted. Drivers may assist ADA clients with packages to the foot of any stairs leading to their home or apartment.

### **Personal Care Attendant (PCA) Policy**

A Personal Care Attendant (PCA) is someone designated or employed specifically to help an individual with a disability meet his or her personal needs in daily living activities. A PCA can ride free with a disabled passenger who has a valid City of Tucson ADA Paratransit Eligibility identification card with a "PCA" designation. The PCA designation is determined through the ADA application process. For questions regarding the ADA and certification process, please call the City of Tucson ADA Eligibility Office at (520) 791-5409.

Individuals who need extensive assistance in traveling (beyond that which the Transit Services Division driver can provide), including lifting, carrying, support during the ride, and behavior control, must arrange for a PCA to accompany and assist them. Transit Services Division does not provide PCAs. It is strongly recommended that a person who requires the use of a PCA always travel with their PCA since drivers cannot provide assistance beyond that which is described in the previous section.

### **Policy on Portable Breathing Aids**

Portable oxygen supplies and respirators are permitted on board Sun Shuttle Dial-a-Ride with proper notification. Oxygen tanks must be secured so they do not move during transport. Information about the use of this equipment must be provided to the reservationist when scheduling service.

## Passenger Securement Policy

### Wheelchairs

A wheelchair is a mobility aid belonging to any class of three or more wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered. All wheelchairs can be transported regardless of size or weight as long as the lift and vehicle can physically accommodate them. If the total combined weight of the individual and their wheelchair exceeds 800 pounds, Sun Shuttle Dial-a-Ride's ability to accommodate the wheelchair will be evaluated on a case-by-case basis.

All wheelchairs must be secured to the vehicle in the designated area. The transit driver will fasten the mobility device in the securement bay. However, drivers cannot operate a mobility device onto/off the lift or into position for securement.

An individual using a wheelchair may transfer to a regular seat on the vehicle so long as they are able to accomplish the transfer independently or with the assistance of a Personal Care Attendant. Drivers will not lift passengers.

### Seat Belts

Transit Services Division requires that all passengers wear seatbelts. Persons using wheelchairs will be secured to their chairs using vehicle seat belts in addition to having their wheelchairs secured to the vehicle. The driver will provide assistance in fastening seatbelts.

### Child Safety Seats

All children less than 5 years of age or 40 pounds in weight must be secured in a child safety seat.

### Companions

Registered riders may request trips with as many companions as space is available. The fare for companions is the same as for the registered rider.

### Visitor Policy

Out-of-town visitors will be eligible for ADA optional services if they are eligible to use the ADA ParaTransit Services provided by their home system. Visitors must provide proof of residence outside of Pima County, and ADA ParaTransit Services certification from their home system. If a visitor's home system does not provide ADA ParaTransit Services Division certification, other documentation is required to justify the individual's claim to eligibility (such as a doctor's letter). Visitors will be provided only **21 days** of ADA Transit Services service per calendar year. Individuals intending to use the service for more than 21 days will be required to apply for certification.

### Service Animals:

Service animals are welcome on Sun Shuttle Dial-a-Ride. The Department of Justice specifies that Service animals must be harnessed, leashed or tethered unless these devices interfere with the service animal's work or the individual's disability prevents

using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls. Pets other than service animals must be on a leash or in carriers. The passenger, PCA or companion is responsible for carrying its cage or maintaining control of the pet on a leash.

## **Disruptive Behavior:**

### **I. PURPOSE**

To provide a uniform policy of dealing with Sun Shuttle passengers who engage in violent, seriously disruptive, or illegal conduct while traveling on Sun Shuttle.

### **II. POLICY**

When riding Sun Shuttle, customer conduct will not be accepted nor allowed that is violent, seriously disruptive, or illegal.

Sun Shuttle may refuse service to an individual with a disability who engages in violent, seriously disruptive, or illegal conduct, using the same standards for exclusion that would apply to any other person who acted in such an inappropriate way.

*Sun Shuttle will 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.<sup>1</sup>*

Pursuant to all incidents involving violent, seriously disruptive, or illegal conduct, the Sun Shuttle vehicle operator will complete an incident report detailing the situation and forward it to his or her assigned Transit Crew Leader upon returning to the office.

If a Sun Shuttle customer engages in violent, seriously disruptive, or illegal conduct, the offending customer will:

- 1) Immediately be asked by the Sun Shuttle vehicle operator to stop or correct the disruptive behavior. If the customer continues to engage in a violent, seriously disruptive, or illegal behavior, police assistance will be sought as necessary; and
- 2) Be issued a letter detailing the incident. The letter will also outline the subsequent “refusal to provide service” to the offending passenger and will include the reason for

such determination. A copy of the letter will also be sent to the offender's guardian, and/or the offender's service provider.

All customers who are issued a "refusal to provide service" letter will have the right to appeal the suspension, as described below:

<sup>1</sup> 49 CFR, Part 37.5 "It is not discriminatory 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. 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."

The individual will have sixty (60) calendar days from the date of the notification letter to file an appeal with the ADA Appeals Coordinator. The information concerning the appeals process will be included in the correspondence sent to the offending customer, caregiver, guardian or advocate. Sun Shuttle will provide transportation to the appealing party to and from the hearing free of charge.

If during the ADA appeals process it has been determined that Sun Shuttle has legitimately refused service to someone who has engaged in violent, seriously disruptive, or illegal conduct, either the ADA Appeals Coordinator or the ADA Appeals Board may choose to provide conditional service to him or her on actions that would mitigate the problem. For example, the ADA Appeals Coordinator or the ADA Appeals Board could choose to require an attendant as a condition of providing service it otherwise had the right to refuse.<sup>2</sup>

Examples of the violent, seriously disruptive, or illegal conduct resulting in "refusal to provide service" include but are not limited to the following:

- Disrupting the driver while he/she is driving the vehicle.
- Engaging in any conduct or activity that represents a danger to himself/herself, to other passengers or to the driver.
- Making physical or verbal threats to the driver or to other passengers.
- Damaging or destroying vehicle equipment or any employee's or passenger's property.

- Getting out of the seat while the vehicle is in motion or while the trip is underway.
- Refusing to wear a seat belt.
- Smoking, consuming alcoholic beverages or any illegal substance while on board the Sun Shuttle vehicle.
- Disrupting other passengers.
- Disrobing.
- Swearing, name calling and/or abusive language.
- Personal Hygiene condition, resulting in a public health hazard.

<sup>2</sup> 49 CFR, Part 37.5 (App.D) “If an entity may legitimately refuse service to someone, it may condition service to him on actions that would mitigate the problem. The entity could require an attendant as a condition of providing service it otherwise had the right to refuse.”

### **Passengers with Open Sores and Wounds**

When using the bus, passengers who have health-related open sores and wounds need to ensure that all sores and wounds are properly covered.

Passengers who have open sores and wounds shall be transported unless their medical condition presents a direct threat to other passengers. Any passengers, including passengers with disabilities, may be refused access to public transportation if visible body fluid leakage or dripping is occurring while at the pickup location.

### **Title VI**

Sun Shuttle operates public transit services without regard to race, color, national origin or disability. If you would like additional information on Sun Shuttle's nondiscrimination obligations or would like to file a complaint, please call (520) 229-4874.

## **PROCEDURES**

### **How to Apply for ADA Certification**

In accordance with the American's with Disabilities Act (ADA) of 1990, the Regional Eligibility Program determines paratransit eligibility, advises out of town visitors, provides a regional appeals process, and issues identification cards for Sun Shuttle, Sun Shuttle and other regional transit clients.

Eligibility is based on an assessment of each applicant's functional ability to use accessible regular fixed route transit services (Sun Tran). Eligibility can be conditional or unconditional. The evaluation process begins with an application for ADA Paratransit



Eligibility Certification, and may involve contact with professional references and an in-person assessment of functional travel skills.

You can request an application be sent to you online, or contact the ADA Office by phone.

Request an application online

- (520) 791-5409 Phone
- (520) 791-5453 Fax
- (520) 791-2639 TDD/TT

### Contact the City of Tucson's ADA Paratransit Eligibility Office

- **Phone:** (520) 791-5883
- Specialservices@tucsonaz.gov
- 35 W. Alameda  
Tucson, AZ 85701

### How to Schedule a Trip

Call the Sun Shuttle Dial-a-Ride reservations at **520.229.4990** by 4 p.m. the day before the requested trip. Reservations are accepted up to 14 days in advance.

### What Information the Reservationist Will Need

When you call to schedule your trip, please be prepared to give the following information.

1. The fact that you are scheduling a trip.
2. Your name.
3. Your telephone number.
4. The date on which you would like to make the trip.
5. Address of where you would like to be picked up if not your home.
6. Where and when you would like to be dropped off.
7. When you would like to be picked up from your drop off location.
8. Address of subsequent drop off location if not your home.
9. When you would like to be picked up at subsequent drop off locations.
10. Special assistance needed or other considerations (for example, if you use a wheelchair or travel with a PCA or service animal).
11. Number of additional companions that will be traveling with you, if any.
12. Trips will not be scheduled until complete trip information is received.
13. You may be dropped off up to 30 minutes before your requested drop off time at your first drop off location. This allows Dial-a-Ride to serve as many people as possible and use our vehicles in the most efficient manner.

Oro Valley Sun Shuttle Dial-a-Ride will notify you of the pick-up times for your next day trips between 5:30 p.m. and 6:00 p.m. the day before your scheduled trip. Riders must be ready to be picked up 15 minutes before the scheduled pick up time.



## **How to Cancel a Trip**

If you change your mind or are unable to make your scheduled trip, please let the dispatcher know as soon as possible and at least before 4:00 p.m. the day before your scheduled trip if possible. If you do not cancel your trip within two hours of the scheduled pick-up time the trip will be considered a “no show” (see “No Show” Policy) and could result in suspension of service.

## **How to Pay the Fare**

Trips must be paid for prior to making the reservation. Trips are paid for using a credit card or by providing a check.

### **By Mail**

Send check or money order to:

Town of Oro Valley  
ATTN: Transit Services  
12941 Pusch Mountain View Ln  
Oro Valley, AZ 85755

## **How to File a Compliment, Complaint or Suggestion**

If you would like to recognize a driver or other member of our staff for excellent service, to file a complaint, or to make a suggestion for how we can provide you with better service, please write to:

Town of Oro Valley  
ATTN: Transit Services  
12941 Pusch Mountain View Ln  
Oro Valley, AZ 85755

You may also call Oro Valley Transit Services Office at 520-229-4990, Monday – Friday from 7:00 a.m. to 4:00 p.m. Provide your name and telephone number or address if you would like a response.

## **PASSENGER RIGHTS AND RESPONSIBILITIES**

### **The passenger has the right to:**

1. Safe, comfortable, and courteous service.
2. On-time service as scheduled by the dispatcher.
3. Information presented in an appropriate format.
4. Appeal any actions that result in a denial of service.

### **The passenger has the responsibility to:**

1. Be ready for the driver by the scheduled pick-up time.
2. Inform the dispatcher of any special assistance needs.

3. If necessary, cancel trips by 4:00 p.m. the day before the scheduled trip.
4. Inform Transit Services of exemplary service or any service problems.

## **APPEALING REGIONAL PARATRANSIT ELIGIBILITY DETERMINATIONS AND/OR SUSPENSION OF PARATRANSIT SERVICE**

### **Introduction**

Pursuant to United States Department of Transportation (USDOT) regulations implementing ADA paratransit requirements (USC 49 Part 37, Subpart F, Section 37.125), the City of Tucson ADA Paratransit Eligibility Office will accept appeals from its determinations of eligibility. Applicants for ADA paratransit eligibility may appeal:

1. A determination that an applicant is not eligible for ADA paratransit services; or
2. The conditions or trip exclusions placed upon an applicant's ADA paratransit eligibility;

In addition, ADA paratransit eligible clients whose paratransit services have been suspended for any reason may appeal their suspension of service.

A copy of these procedures will be included in every letter of determination denying or conditioning eligibility or suspending ADA paratransit services.

### **1. Filing An Appeal**

- A. All appeals must be filed in writing with the City of Tucson ADA Paratransit Eligibility Office.
- B. Appeals must be filed within sixty (60) days of the receipt of the original determination of ineligibility or conditional eligibility, suspension or denial of a specific trip request. If the 60th day after the original determination or trip denial is on a weekend or legal holiday, an appeal will be accepted on the next subsequent business day.
- C. Appellants are urged to state in their appeal letter the reasons why they believe the determination does not accurately reflect their ability to use the fixed route public transportation service (Sun Tran), or why the suspension is inappropriate. Written material regarding the specific functional ability of the applicant/customer or relating to the general nature of the individual's disability may be submitted at this

time. This will assist the City of Tucson ADA Paratransit Eligibility Office reviewers in their initial review of the appeal. An appellant may, however, request an appeal hearing without providing additional details and without the submission of additional written material or information.

## **2. Receipt and Scheduling of an Appeal Hearing**

A. Upon receipt, all appeals will be date-stamped and referred to the ADA Paratransit Appeals Coordinator for initial review and consideration. The ADA Paratransit Appeals Coordinator may choose to:

- a. Reverse a determination of ineligibility or revise conditions of eligibility;
- b. Authorize a specific trip request which had been denied;
- c. Refer the appellant for an in-person assessment;
- d. Schedule the matter for a hearing by the ADA Paratransit Appeals Board;
- e. Cancel or modify a suspension of service.

B. Initial review of appeal requests by the ADA Paratransit Appeals Coordinator will normally be completed within five (5) business days of the receipt of the appeal. If an in-person assessment is required, the assessment should normally be conducted within one-week following the determination by the ADA Paratransit Appeals Coordinator.

C. Appeals before the ADA Paratransit Appeals Board will normally be completed within the calendar month following the receipt of the appeal, pending the meeting schedule of the ADA Paratransit Appeals Board. The ADA Paratransit Appeals Board will render its determination within thirty (30) days of its consideration of the appeal.

## **3. ADA Paratransit Appeals Board**

A. To review all ADA Paratransit Eligibility Appeals, an independent ADA Paratransit Appeals Board shall be formed. The members of the Board shall have had no involvement in the initial eligibility determination but shall be generally familiar with the goals and objectives of the ADA Paratransit Eligibility Program. The Board shall have three (3) members with one (1) member having at least one (1) year or more of administrative experience. The ADA Paratransit Appeals Board shall be composed of the following:

- Transit Services Coordinator or designee within the City of Tucson Department of Transportation;
  - A member of a local jurisdiction that is familiar with ADA paratransit eligibility;
- and

- A leader or active participant in the disability community in Pima County.
- B. The ADA Paratransit Appeals Board will operate by majority vote and may conduct hearings with two (2) of its three (3) members present.

#### **4. ADA Paratransit Appeals Board Procedures**

A. Copies of the original application submitted by the appellant, including medical verification, and any additional material submitted by the applicant in filing the appeal, will be provided to the ADA Paratransit Appeals Board at least three (3) days in advance of the appeals hearing.

B. The ADA Paratransit Appeals Board shall hear and consider:

- a. The information provided in the original application, including medical verification;
- b. Any additional information, written or verbal, received from the appellant;
- c. Any report(s) from the in-person assessment;
- d. The statements of the appellant, his/her advocate and any other witness offered by the appellant;
- e. Information from the City of Tucson ADA Paratransit Eligibility Office regarding its services, the architectural or other barriers impacting access to fixed route service or other eligibility criteria; and
- f. Any other material deemed by the ADA Paratransit Appeals Board to be germane to the consideration of the appellant's ability to utilize use the fixed route public transportation service (Sun Tran/Sun Link).

C. After it has received, reviewed, and considered the material presented as part of the appeal process, the ADA Paratransit Appeals Board shall render a decision and shall direct the ADA Paratransit Appeals Coordinator to prepare a letter to the appellant regarding its determinations. The ADA Paratransit Appeals Board will specify, and the letter shall explain in detail, the reasons for the maintenance, modification or reversal of the matter(s) of the appeal.

D. The ADA Paratransit Appeals Board will normally render its decision immediately after the hearing. If the Board determines that it must delay a decision in order to obtain further information regarding the appeal, USDOT regulations pertaining to presumptive eligibility will apply.

#### **Interim Service**

- A. During the period between the receipt of an appeal of an initial determination regarding eligibility and the determination of the ADA Paratransit Appeals Board, no ADA paratransit service will be provided to the applicant. Services may be provided through other Regional transportation programs pursuant to the eligibility of those programs.
- B. If an appeal is requested based upon a determination of trip eligibility, service for the trip in question will be provided until an appeal hearing is concluded.
- C. If an appeal is taken based upon a suspension of service for any reason other than violent or threatening behavior, service will be provided until an appeal hearing is concluded.
- D. If an appeal is taken based upon a suspension of service for violent or threatening behavior, service will not be provided during the appeal process.
- E. If the ADA Paratransit Appeals Board has not rendered its decision within thirty (30) days of the hearing, service will be provided on an interim basis pending final determination by the Board.

## **5. Privacy of Appellants**

- A. All ADA Paratransit Appeals Board copies of appellant's applications and supporting materials remain property of the City of Tucson ADA Paratransit Eligibility Office and will be returned to the ADA Paratransit Appeals Coordinator at the conclusion of the appeal hearing.
- B. Members of the ADA Paratransit Appeals Board are strictly prohibited from discussing the details of an appeal or regarding the name or other identifying characteristics of the appellant with any person not directly involved in the appeal. Board members may discuss information of a general sort regarding a particular type of disability and its functional impact upon an individual's ability to use fixed route transit services in preparation for a hearing, but are advised to take care that information regarding specific appellants is not shared.
- C. Appellants will be asked to state if they wish to have the hearing conducted in a closed session. At the appellant's request, all parties except ADA Paratransit Appeals Board members, City of Tucson ADA Paratransit Eligibility Office staff, the appellant, and his/her advocate and witness as necessary for the conduct of the hearing, will be excluded from the hearing.
- D. The deliberations of the ADA Paratransit Appeals Board shall normally be conducted in executive session in order to allow for the full consideration of the

appellant's medical records and condition. Appellants may, however, request that these deliberations be conducted in a public session.

E. The vote determining the outcome of the appeal will be conducted in a closed session, and the assessment of the appellant's functional ability to utilize the fixed route public transportation service (Sun Tran/Sun Link), excluding medical diagnosis and other private medical information, will be rendered in writing.

### **ADA PARATRANSIT APPEALS PROCESS SUMMARY**

If the City of Tucson ADA Paratransit Eligibility Office has determined that you are NOT ELIGIBLE, or if you disagree with any conditions placed on your ADA paratransit eligibility, you can appeal. To do so, please do the following:

- Write, date, and sign a brief, one-page letter requesting an appeal. Mail your letter to:

**City of Tucson, Department of Transportation,  
ATTENTION: ADA Paratransit Appeals Coordinator  
P.O. Box 27210  
Tucson, AZ 85726-7210**

- If you cannot write a letter, you may have someone else write one for you. However, you must sign the letter. If you need assistance, contact the ADA Paratransit Appeals Coordinator.
- You may also include in your letter the specific reason or reasons that you believed you are functionally unable to use the Sun Tran bus system. However, this is optional.

You have sixty (60) days from the date of the determination to request an appeal. You forfeit your right to appeal a determination on your application after sixty (60) days. A hearing before the ADA Paratransit Appeals Board is administrative and informal. It is recommended that you appear in person and present additional information. You may bring anyone with you. If you do not wish to appear in person, you may send the information to the ADA Paratransit Appeals Board at the above address. If you have questions, contact the ADA Paratransit Appeals Coordinator at (520) 791-5883.

*Regional Appeal Process Revised 08/22/2014*