

2023

Bis-Man Transit Board

# ***Policies and Procedures***

EFFECTIVE NOVEMBER 16, 2023

BIS-MAN TRANSIT BOARD | 3750 East Rosser Ave, Bismarck, ND

## ***Meeting Our Customer's Travel Needs***

This guide provides brief information about Bis-Man Transit (door-to-door paratransit service) and Capital Area Transit (fixed route service). It was intended to give service providers resources they need when they refer people to use public transportation services in the Bismarck, Mandan, and Lincoln area. If you have questions about our paratransit or fixed-route bus service after reviewing this guide, please call our Bis-Man Transit office at 701.258.6817.

## ***Bis-Man Transit Paratransit Service***

For eligible riders who have a disability that prevents them from making some or all of their trips on the fixed-route system, Bis-Man Transit offers a shared ride, door-to-door service called paratransit. This service is sometimes called "ADA Paratransit Service" because it is provided to meet the requirements of the Americans with Disabilities Act of 1990 (ADA) and ensures all individuals have the opportunity to use public transportation services.

Paratransit schedules and provides service to ADA paratransit eligible persons at any requested time on a particular day in response to a request for service made at least on day in advance. Hours of operation for paratransit are Monday to Saturday from 5:30 AM to 12:00 AM; Sunday from 7:30 AM to 2:30 PM.

## ***Capital Area Transit Fixed Route Service***

Capital Area Transit (CAT) is committed to providing transportation services that can be used for all of our customers. Fixed-route buses operate on set routes throughout the Bismarck and Mandan communities. All fixed-route buses have lifts or are low-floor with a kneeling feature to better serve riders who use wheelchairs or have difficulty getting up and down the vehicle steps. Our fixed-route vehicles are 100% accessible.

For everyone's benefit and to comply with federal requirements, drivers announce route timing points and transfer points to help riders recognize their bus stop or point of transfer. A limited number of seats are usually available near the entrance of the bus for persons who have mobility concerns. Reserved spaces with tie-down straps and drivers assistance are available for riders who use wheelchairs.

Persons with disabilities and seniors age 65 or older may show their Bis-Man Transit membership card or other approved verification of age or disability to receive free fares on The CAT. If someone has a verifiable disability and would like a Bis-Man Transit paratransit ID card to receive free fare, he or she needs to fill out and submit the Bis-Man Transit application which can be obtained by calling 701.258.6817 or found online at [www.bismantransit.com](http://www.bismantransit.com). We encourage our customers with disabilities and seniors to take advantage of the flexibility, independence, and no cost option that our fixed route services provide.

Students in grades K-12 and college, Medicare card holders, and Veterans can receive the reduced fare rate. Proper identification such as a form of school identification is required for students, and presentation of a Medicare card or military ID is required.

For route and schedule information, travel training information, or any questions you may have about using The CAT bus fixed route bus services, call 701.258.6817 or visit our website at [www.bismantransit.com](http://www.bismantransit.com).

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## **SECTION 1: GUIDE INTRODUCTION**

### ***Section 1.1 - Purpose of this Guide***

This document outlines the operational guidelines for the Bismarck-Mandan and Lincoln area paratransit and fixed- route services. The paratransit service is provided for individuals with disabilities and senior citizens age 70 or older whose transportation needs cannot be met by The CAT Bus fixed-route service. For those individuals able to use or access the city bus, Capital Area Transit provides fully accessible fixed-route bus service throughout the cities of Bismarck and Mandan.

### ***Section 1.2 - References to Federal Regulations***

The Bis-Man Transit paratransit and fixed-route services are funded in part through federal, state, and local governments. Operational guidelines comply with federal, state, and local regulations and conform to the applicable provisions of the Americans with Disabilities Act of 1990 (ADA) and Regulation 49 CFR Parts 37.

References will be made throughout this document to specific regulations to assist in updating guidelines as regulations are modified.

### ***Section 1.3 - Statement of Non-Discrimination***

[ADA Regulation 49 CFR 39]

The Bis-Man Transit Board does not discriminate against any individual on the basis of race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, disability, age or familiar status in the provision of public transportation services.

### ***Section 1.4 - Accessible Formats***

The information contained in this guide, information concerning the eligibility determination process, application materials, and determinations concerning eligibility are available in accessible formats upon request by contacting the Bis-Man Transit office at 701.258.6817. Information will be provided in a format a person can use according to their disability.

### ***Section 1.5 - Paratransit Application Process***

Paratransit service is available to all Bismarck, Mandan, University of Mary, and Lincoln residents eligible for the service. Trips must be located within the predetermined service area. (ADA eligible out-of-town riders see Section 3.3).

To become certified to schedule and ride paratransit, the applicant must obtain and fill out an application by printing it from [www.bismantransit.com](http://www.bismantransit.com), receiving a printed application from the Bis-Man Transit office by calling 701.258.6817, or stopping at the Bis-Man Transit office at 3750 E Rosser Ave in Bismarck. Electronic applications are accepted via e-mail at [info@bismantransit.com](mailto:info@bismantransit.com).

The application is to be completed in its entirety by the applicant. The appropriate human service professional listed by the applicant will then be contacted to verify the applicant's disability, if applicable.

- Applicants wishing to be certified on ADA basis must complete the entire application.

- Individuals over 70 wishing to be qualified based on age must complete the general information portion of the application and provide one of the following:
  - Copy of a government issued photo ID
- All applications must be signed by the applicant.

The completed application form and additional documentation of the applicant's age or disability must be mailed or faxed to:

Bis-Man Transit  
3750 E Rosser Ave  
Bismarck, ND 58501  
Fax Number: 701.258.6752

Electronic applications may be e-mailed to:

[info@bismantransit.com](mailto:info@bismantransit.com)

Applicants can also bring the application and supplemental documentation to the Bis-Man Transit office at 3750 E Rosser Ave in Bismarck and office staff will make a copy of the supplemental document for the applicant to include with the application form.

Bis-Man Transit staff will evaluate the information on the application. If an application is approved, the new rider will be notified by mail and will be issued a rider verification card. The rider verification card contains the following information:

- Assigned Bis-Man Transit rider ID number
- Name of the eligible rider
- Address of the eligible rider
- Expiration date of paratransit eligibility. For Unconditional Eligibility, this is 3 years from the certification date

Each applicant's eligibility will be determined according to guidelines in Section 3: Paratransit Eligibility.

Riders are encouraged to carry their Bis-Man Transit ID card with them at all times.

In the case of a temporary disabling condition, a temporary ID card will be provided with the date of the card expiration.

If an application is not approved, the applicant will be notified and he or she will have an opportunity to provide additional information for reconsideration by Bis-Man Transit.

## **SECTION 2: TRANSPORTATION SERVICES**

### ***Section 2.1 - Service Description***

[ADA Regulation 49 CFR 37.167(e)]

All Capital Area Transit fixed-route buses are accessible through provision of lifts or ramps (low floor buses).

Bis-Man Transit Paratransit is required to provide door-to-door transportation service on a reservation basis for individuals with disabilities who are ADA paratransit eligible and unable to utilize CAT fixed-route bus service independently (refer to section 3.1). Paratransit utilizes buses with lifts for accessibility. Riders are not able to request a certain vehicle. Considerations for a vehicle request will be considered only if a physician submits a written, detailed description why a rider needs special provisions. This does not guarantee that the rider request will be granted.

### ***Section 2.2 - Service Hours***

[ADA Regulation. 49 CPR 37.131 (e)]

The CAT bus fixed-route system's route times are listed on the route maps and on the websites, [www.thecatbus.com](http://www.thecatbus.com) and [www.bismantransit.com](http://www.bismantransit.com).

The CAT bus doesn't run on Sundays or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day.

Paratransit door-to-door service is available and operates Monday to Saturday from 5:30 AM to 12:00 AM; Sunday from 7:30 AM to 2:30 PM. Rides need to be scheduled at least the day prior by calling the scheduling dispatch assistants at 701.258.6817 (select option 1) between the hours of 8:00 am and 5:00 pm Monday to Saturday; 8:00 AM and 2:30 PM on Sunday. Trips may also be scheduled by leaving a voice message with dispatch from 2:30 PM to 5:00 PM on Sundays.

### ***Section 2.3 - Service Area***

[ADA Regulation 49 CFR 37.131 (a)]

The CAT bus fixed-route service operates along set routes throughout the Bismarck and Mandan communities.

Paratransit door-to-door service serves riders within the cities of Bismarck, Mandan, and Lincoln and also serves University of Mary.

### ***Section 2.4 - Paratransit Trip Purpose***

[ADA Regulation 49 CFR 37.131 (d)]

No restrictions or priorities are imposed based on trip purpose for rides given by Bis-Man Transit paratransit. Paratransit is not an ambulance service and does not provide emergency medical transportation. Drivers are prohibited from providing delivery services.



## **Section 2.5 - Rider Fares**

ADA Regulation 49 CFR 37.131 (c)]

### **CAT Bus**

The rates for The CAT Bus fixed route service are as follows (January 2017):

- \$1.50 one-way
- \$.75 one students in grades K-12 and college, Medicare card holders and Veterans (verification required to receive discounted rate)
- Free for children age 4 and under when riding with an adult
- Free transfers
- \$6.00 for 1-day pass for adults
- \$3.00 for 1-day pass for students in grades K-12 and college, Medicare card holders and Veterans (verification required to receive discounted rate)
- \$36.00 for 30-day pass for adults
- \$24.00 for 30-day pass for students in grades K-12 and college, Medicare card holders and Veterans (verification required to receive discounted rate)
- Seniors 65 and older, as well as certified paratransit riders may ride the CAT for free at any time (verification required to receive discounted rate)

Each one-way fare listed above is for a one-way complete trip. Once a rider disembarks from the vehicle or arrives at a destination, a trip is completed. Transfers are free at the following locations: Bismarck State College, Mapleton Avenue, Front Avenue, and Dan's Supermarket Mandan.

When transferring, riders must board the next bus going toward their final destination.

CAT Bus fareboxes accept cash and coins. The fareboxes do not return change and drivers do not carry change. If riders do not pay with exact change, they will be issued a ticket with the remaining balance.

The ticket must be used on the CAT Bus within one year of its issue date. Riders must pay the fare or feed their 30-day pass into the farebox immediately when they enter the bus. Drivers are not permitted to access a rider's personal wallet, purse, or backpack.

30-Day passes and 1-Day passes can be purchased from CAT Bus drivers. All passes can also be purchased at the Bis-Man Transit office at 3750 E Rosser Ave in Bismarck. If a rider purchases a pass from a CAT Bus driver, he or she must tell the driver what pass is needed BEFORE money is fed into the farebox. If an agency is purchasing a large quantity of these tickets, it is advised that the agency call ahead and the office staff will get them ready for pickup.

### **Paratransit**

The fare for each one-way trip on paratransit is \$3.00 (January 2017). Exact fare is required in the form of cash or change. Drivers do not have change and they are not permitted to access a rider's personal wallet, purse, or backpack. Punch cards in \$12 increments are available for purchase at the following locations:

- Bis-Man Transit office (Cash, Credit/Debit Card, or Check)
- Dan's Supermarket Customer Service Counters (North, South, East, West, and Mandan)
- Cash Wise Foods (North and South) Customer Service Counter
- Ticket can also be purchased by phone with a credit/debit card by calling the Administrative Office at 701.258.6817. Tickets may be mailed or picked up in the office.
- Diminishing balances may be refilled via Cash, Credit/Debit Card, or Check.

The following conditions apply to punch card sales:

- Punch cards cannot be redeemed for cash under any circumstances
- Lost or stolen cards will not be replaced
- Punch cards are valid for use on paratransit only

Paratransit personal care assistants with a responsibility to help the rider may ride free of charge (Section 5.3 - Paratransit Escorts). Bis-Man Transit members age 8 and under cannot ride alone and must have an escort (Section 5.10 - Children). Children under the age of 7 ride free when accompanied by an eligible adult rider. Eligible riders are allowed one companion with additional companions on a space available basis. Companions are charged the same rate as the Bis-Man Transit member, which is \$3.00 each way.

Fares cannot be or billed at a later date without the approval of the Bis-Man Transit Executive Director. All fares are subject to change for both paratransit and the fixed-route bus systems.

### ***Section 2.6 – Refund Policy***

#### **CAT Bus**

All CAT Bus passes are non-refundable. Bis-Man Transit does not replace or offer refunds for lost, stolen, or unused passes. If a bus pass is damaged and not functioning properly, the administrative staff will evaluate each request to determine if a replacement pass will be issued.

No refund or replacement ticket will be issued for lost, destroyed, or stolen passes. Bis-Man Transit will not refund due to errors in timetables, inconvenience or damage resulting from missed stops, delayed, canceled, or missed buses, failure to make connections, or equipment shortages. All customers must have a pass in their possession at the time of travel.

#### **Paratransit/Demand Response**

Bis-Man Transit will issue paratransit/demand response punch tickets and diminishing balance refunds in the event of the death or relocation of the rider. A copy of the death certificate must be provided in the event of death. For riders relocating, an updated address must be provided.

Punch Tickets can only be refunded if the punch card is unused and undamaged.

If the rider is deceased, diminishing balance funds may be requested up to 60 days from the time of death with a copy of the certified death certificate. If this is not requested within 60 Days, Bis-Man Transit will absorb the remaining balance.

All refunds will be issued by check. No cash refunds will be provided under any circumstance. Refund requests may be submitted in person at the Transit Facility or via mail. Direct all mailed requests to:

Bis-Man Transit Board  
3750 East Rosser Ave  
Bismarck, ND 58501

The refund request form can be found on page 56.

*Note: All tickets submitted for refund or exchange are subject to review by Bis-Man Transit management. Any ticket deemed to be counterfeit or stolen will be confiscated and the requestor denied any of the above options. Refund requests may take up to two weeks.*

### **Section 2.7 - Rider Courtesy and Conduct**

Bis-Man Transit and Capital Area Transit have lists of rules and courtesy to ensure the safety of all riders and drivers. Riders, their escorts, or companions traveling with riders, who engage in physical abuse or cause physical injury to another rider or driver, or who engage in other illegal activities, may be subject to immediate suspension from riding paratransit and/or CAT buses. They also may be subject to possible criminal prosecution, which may include fines.

Riders who engage in an activity that disrupts the safe or effective operation of paratransit or CAT Bus services, may be subject to a suspension of service. If a rider is disruptive, Bis-Man Transit reserves the right to require that an escort travel with the rider as an option instead of service suspension.

#### **Paratransit**

- Riders shall maintain appropriate, reasonable personal hygiene.
- Shirts and shoes must be worn.
- No eating, drinking, or smoking in vehicles.
- Smoking is not allowed within 20 feet of Bis-Man Transit doors and windows.
- Make reservations a minimum of one day in advance.
- Be ready at pickup location and be on time.
- Call if the vehicle has not arrived by the end of the "30-minute window"
- Call to cancel unneeded rides at least 30 minutes prior to the scheduled pickup time to avoid a "no show."
- Pay the correct fare in the exact amount or with a pre-purchased punch card.
- Wear seat belts.
- Avoid distracting the driver or annoying other riders with inappropriate behavior.
- Head, arms, and other body parts must be kept inside the vehicle
- No abusive, threatening, or obscene language or actions.
- No physical abuse of another rider or the driver.
- Baby strollers and walkers must be folded and stowed to not block the aisle or cause injury to persons on the vehicle.
- Parents must control children.
- Expect "shared-ride" service. Others may be picked up after you or dropped off before you reach your destination.
- No littering in the vehicle.
- Objects must not be thrown from a vehicle window.

- No riding with open containers of alcohol or illegal drugs.
- No riding while under the influence of alcohol or illegal drugs if the rider's behavior disrupts the driver or other riders.
- No deliberate fare evasion.
- No petting guide dogs or other service animals without the permission of the owner.
- No playing of radios, mp3 players or other multimedia devices (without headphones) and no other noisy equipment while on board.
- No operating or tampering with any vehicle equipment.
- Dangerous weapons are prohibited on Bis-Man Transit vehicles.
- Federal regulations prohibit the transportation of flammable or explosive materials on paratransit vehicles.
- Packages are limited to what the rider can carry in one trip and contain within their seating area on the Bis-Man Transit vehicle.

### **CAT Bus**

- Riders shall maintain appropriate, reasonable personal hygiene.
- Shirts and shoes must be worn.
- Pay the correct fare in the exact amount or with a 1- or 30-day pass.
- Keep arms, legs, and personal items out of the aisles.
- Do not stand in the stairwells.
- No eating, drinking, and no open containers on the bus.
- No smoking on the bus or within 20 feet of bus doors and windows.
- No multimedia devices without headphones.
- No rollerblades or in-line skates may be worn on the bus.
- Animals must be contained to a cage on CAT buses (except service animals)
- Please limit yourself to 2 packages.
- Strollers and walkers must be folded and stored out of the aisles.
- Parents must control children.
- No littering in the vehicles or shelters.
- No riding with open containers of alcohol or, with illegal drugs.
- No riding while under the influence of alcohol or illegal drugs if the rider's behavior disrupts the driver or other riders.
- No operating or tampering with any vehicle equipment.
- Dangerous weapons are prohibited on CAT buses.
- You may ask your driver questions pertaining to the routes while on the bus, however, please refrain from carrying on a conversation with the driver while the bus is in motion.
- Avoid distracting the driver or annoying other riders with inappropriate behavior.
- Threatening behavior or vulgar language may result in suspension or rider being asked to leave the bus.
- Drivers have the right to refuse service.

## **Suspension of Service Due to Prohibited Behaviors**

Any illegal, violent or disruptive behavior as described in the above section shall result in an immediate seven (7)-day suspension from service. After the suspension has begun, the manager of the transit provider shall review the particulars of the incident. Upon the conclusion of this review, the suspension can be either sustained or lifted immediately. All offenses will be documented by the transit provider.

- |                                       |                                  |
|---------------------------------------|----------------------------------|
| 1. First Offense                      | (7)- Day suspension from service |
| 2. Second Offense in 12-month period  | (3)-Week suspension from service |
| 3. Third Offense in a 12-month period | (8)-Week suspension from service |

## **Appeals**

Appeals to any suspension shall be made in writing (either by mail or e-mail) sent to the Executive Director at the Bis-Man Transit Facility (3750 E Rosser Ave, Bismarck, ND 58501 or info@bismantransit.com). The appeal shall include the words: "Appeal of Transit Suspension." Any appeal must be filed within 30 days of the date of suspension to be considered. Bis-Man Transit shall process any appeal received within 30 days of receipt, and may contact the appellant and others in conducting the review. If the appellant does not provide the requested additional information to Bis-Man Transit, the transit provider can administratively close the appeal. The appellant may choose to no longer pursue the appeal at any time during this process. When Bis-Man Transit has concluded its review, it will issue a letter either modifying, affirming or erasing the suspension.

## **Section 2.8 - Paratransit Driver Responsibilities**

Bis-Man Transit has a list of rules to ensure the safety of drivers and riders and to provide a positive riding experience. Drivers will adhere to the same standards of common courtesy and personal hygiene as those required of the riders.

- Treat riders with courtesy.
- Be uniformed appropriately.
- Stay within sight of their vehicle at all times.
- Maintain the assigned service schedule for the convenience of all riders.
- With permission, assist riders when entering or leaving the vehicle.
- Provide rider assistance when instructed by dispatcher.
- On request, the driver will assist riders between the vehicle and up to the entrance of a house, apartment building, or other building.
- Drivers are allowed to carry no more than what they can carry in one trip per paratransit eligible rider (maximum total weight of 25 pounds).
- Assure seat belts and all mobility devices are properly secured.
- Follow the guidelines for pick up and drop offs.
- Maintain radio contact with dispatch.
- Collect fares for riders' trips as appropriate.
- Follow all safety protocols put in places by Bis-Man Transit.

### ***Section 2.9 - CAT Driver Responsibilities***

Bis-Man Transit has a list of rules to ensure the safety of drivers and riders and to provide a positive riding experience. Drivers will adhere to the same standards of common courtesy and personal hygiene as those required of the riders.

- Treat riders with courtesy.
- Be uniformed appropriately.
- Stay within sight of their vehicle at all times.
- Maintain the assigned service schedule for the convenience of all riders.
- Assist riders with trip planning questions, while maintain safe operation.
- Follow all safety protocols put in places by Bis-Man Transit.

Drivers are NOT permitted to:

- Enter a rider's residence or other buildings
- Access a rider's personal wallet, purse, or backpack
- Perform any personal care assistance for riders
- Lift or carry riders or wheelchairs up or down steps
- Call riders to pick them up earlier or later than scheduled (all drivers must only use the dispatcher to communicate with riders)

## SECTION 3: PARATRANSIT ELIGIBILITY

### ***Section 3.1 - Paratransit Eligibility Criteria and ADA Paratransit Eligibility***

Bis-Man Transit paratransit service is intended to provide transportation services to individuals with disabilities and seniors age 70 or older who are unable to independently use the fixed-route CAT Bus system. To be eligible to use paratransit, riders must be considered eligible based on the application process.

Paratransit eligibility is based on a functional, rather than medical model. Persons are not qualified or disqualified on the basis of a specific diagnosis or disability. An individual will be certified as paratransit eligible if there is any part of the CAT fixed-route system in the designated service area which cannot be used or navigated by that individual because of a disability.

The three categories of ADA paratransit eligibility established by the federal government are listed below:

#### **Category 1 - Persons unable to board, ride, or disembark fully accessible fixed-route services**

Any individual with a disability who is unable, as the result of a physical or mental impairment, including a visual impairment) and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and unable by individuals with disabilities. [37.123 (e)(1)]

An example of eligibility under this category includes persons with mental disabilities or vision impairments who cannot "navigate the system" or otherwise cannot physically use fixed-route services. This would include people with physical disabilities who cannot stand on a bus, get on or off the lift, or proceed from the wheelchair securement area without assistance except as provided by the driver or other employee of the service.

#### **Category 2-Persons unable to board, ride, and disembark even if the vehicle is accessible (equipped with a ramp or lift)**

Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride, and disembark from any vehicle that is readily accessible to and unable by individuals with disabilities if the individual wants to travel on a route of the system during the hours or operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route. [37.123 (e)(2)]

Eligibility under this category depends on the accessibility of vehicles and routes. A person is eligible for paratransit service if the fixed route on which they want to travel is not yet accessible.

- An individual is eligible for paratransit if a vehicle's lift or boarding device could not be deployed at the stop which they want to use
- An individual is eligible if they use a "common wheelchair" but cannot be served by the fixed-route system because the lift on the vehicle they need fails to work
- All Capital Area Transit vehicles are 100% accessible

**Category 3 - Persons unable to travel to the boarding location or from the disembarking location.**

Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system.

[37.123(e)(3)]

Environmental conditions and architectural barriers not under control of the public entity, do not, when considered alone, confer eligibility. If, however, travel to or from a boarding location is prevented when these factors are combined with the person's specific impairment-related condition, paratransit service must be provided. Examples of architectural and environmental factors that, in combination with certain disabilities, could prevent travel include: lack of curb cuts, the distance from the stop to the trip origin or destination, snow or ice, temperature extremes, major intersections, or temporary construction projects.

***Section 3.2 - Eligibility for Discount Fare on Fixed-Route CAT Buses***

The paratransit ID card issued by Bis-Man Transit entitles an individual to ride the fixed-route CAT Bus System (Capital Area Transit) for free. The rider must show the Bis-Man Transit membership card to the driver when boarding the bus. (Refer to section 3.5 - Eligibility Process to apply for paratransit certification)

***Section 3.3 - Visitors***

[ADA Regulation 49 CFR 37.127]

Individuals certified as eligible by another public entity that claim to be "ADA Eligible," are presumed to be eligible and will be similarly provided service. Any limitation/condition placed upon a certification by another public entity will be honored for paratransit services. Verification of this eligibility may be required.

***Section 3.4 - Temporary Disabilities***

An individual with a temporary disability that meets paratransit eligibility criteria will be issued a temporary Bis-Man Transit paratransit ID card upon completion of the Bis-Man Paratransit Application. An example of a temporary disability is a broken leg.

***Section 3.5 - Conditional Disabilities***

An individual with a conditional disability that meets paratransit eligibility criteria will be issued a "Conditional" Bis-Man Transit paratransit ID card upon completion of the Bis-Man Paratransit Application. An example of conditional disability is difficulty with mobility in temperatures below freezing.

***Section 3.6 - Eligibility Process for Persons with Disabilities***

[ADA Regulation 49 CFR 37.125]

Applicants must submit a completed, written application to Bis-Man Transit at 3750 E Rosser Ave, Bismarck, ND 58501. Applications may be faxed to 701.258.6752 or e-mailed to [info@bismantransit.com](mailto:info@bismantransit.com).



For the purpose of determining eligibility for paratransit services, the individual applying for services must fill out the paratransit application in its entirety.

Bis-Man Transit is responsible for reviewing applications and determining eligibility. A written response stating the determination of eligibility will be mailed to the applicant within 21 calendar days of receipt of a completed application and appropriate provider verification. Determination of ineligibility will include reasons for the finding.

Approved riders will be issued a Bis-Man Transit membership card stating they are eligible for paratransit. This membership card shall include the following:

- Assigned Bis-Man Transit rider ID number
- Name of the eligible rider
- Address of the eligible rider
- Expiration date of rider eligibility. For Unconditional Eligibility, this is 3 years from the certification date.

Rider's must complete the recertification application every three years to ensure Bis-Man Transit has current contact information.

### ***Section 3.7 - Application Form***

The following contents of the Bis-Man Transit Application for Transit Services will be utilized by Bis-Man Transit in determining and notifying individuals of eligibility for paratransit service:

- General Information (contact, date of birth, emergency contact information)
- "About Your Disability"
- "Getting to and From the Bus Stop"
- "Tell us about what you can do & what affects your abilities"
- "Using the fixed route bus"

Applicants age 70 or older must submit a copy of a state issued identification card. Applicants with a disability must provide contact information for Health Care Professional who will be able to verify the application. Bis-Man Transit staff will contact the provider directly.

### ***Section 3.8 Appeal Procedure***

A determination of eligibility will be made by Bis-Man Transit within 21 days of the completed application process. NOTE: Applications are not considered complete until the professional verification has been received and if required an interview is completed. Bis-Man Transit will notify you in writing with the decision of your eligibility status. If it is determined that you are able to use the fixed route service and are found not eligible for paratransit service, Bis-Man Transit will provide explanation for the determination. If you are determined "Not Eligible", or are dissatisfied with your eligibility type, you may appeal the decision. A written appeal to Bis-Man Transit must be received within 60 calendar days of the written eligibility notification letter.

Submit a letter stating your wish to appeal the decision that was made. You may include information as to why you feel you were incorrectly denied (or limited) for ADA Paratransit service and attach copies of

any other information you feel supports your appeal, though this is not required. A hearing date will be set for within thirty (30) days of receipt of the appeal request.

The decision of the appeals committee will be given within thirty (30) days of the hearing date, and will be provided in writing (and/or other accessible formats as requested). The decision made by the appeal panel will be the final determination. You may then only re-submit an application if your condition changes. ADA Paratransit service will not be provided for new applicants during the appeal process, unless the appeal process cannot be concluded within thirty (30) days.

**Appeals must be in writing and forwarded to:**

Executive Director  
c/o Bis-Man Transit  
3750 East Rosser Avenue  
Bismarck, ND 58501

## **SECTION 4: PARATRANSIT TRIP RESERVATIONS PROCEDURES**

[ADA 49 CFR 37.131 (b)]

### ***Section 4.1 - Reservations***

The following telephone number must be called to reserve a ride:

701.223.9901

Call volumes tend to be higher on weekends, so riders are encouraged to schedule their rides Monday-Friday.

Individuals who utilize a text telephone or TDD should call the Relay Service at 7-1-1 to get assistance in reserving a ride.

### ***Section 4.2 - Advance Notice Requirement***

Reservations may be made no more than fourteen (14) calendar days prior to when the individual wishes to ride. Rides need to be scheduled at least the day prior by calling the scheduling dispatch assistants at 701.223.9001 (select option 1) between the hours of 8:00 AM and 5:00 PM Monday to Saturday; 8:00 AM and 2:30 PM on Sunday. Trips may also be scheduled by leaving a voice message with dispatch from 2:30 PM to 5:00 PM on Sundays.

Medical appointments and some work arrangements allow for "will call" returns. In the case of a "will call," the rider is allowed to call the scheduling line when their appointment is done and the dispatcher will send a vehicle as soon as possible. If a rider has a return trip scheduled for his or her medical appointment or work and he or she will be delayed past the scheduled ride time due to unforeseen circumstances, the rider needs to call the scheduling line immediately and we will attempt to reschedule the trip and accommodate the rider on a space available basis.

### ***Section 4.3 - Reservation Procedures***

Paratransit trips will be coordinated to transport as many riders as possible.

When calling the scheduling line, have the following information ready:

- Name
- Date ride is needed
- Pickup location
- Destination
- Time that the rider needs to arrive at the destination
- If a companion or escort will be accompanying the rider
- If a rider assistance is needed by the driver (what type of assistance)
- Time of return trip

The scheduler that takes the call will give an estimated time that the bus will pick the rider up for the trip and for the return trip.

#### ***Section 4.4 - Reservation Cancellation***

A rider up to 30 minutes prior to the scheduled pickup time may cancel reservations without being penalized with a no-show. (Refer to Section 6.2 - Penalties Imposed for "No Shows").

#### ***Section 4.5 - Subscription Service***

[ADA Regulation 49 37.133]

If a rider wishes to ride at the same time and to the same destination on a regular basis, he or she may make a subscription reservation. Subscription service may not absorb more than fifty (50) percent of the number of trips available at any given time of the day, unless there is a non-subscription capacity.

Subscription reservations are restricted during all weekday peak demand operating hours to the following trip purposes: work (including volunteer), school, medical/counseling services, meals and social service programs. The dispatcher may reschedule or rearrange subscription reservations as needed for efficient use of vehicles and the rider will be notified of the change.

#### ***Section 4.6 - Same Day Request for Early Pickups***

Requests to change your return pickup time because you are ready early will be accepted, but there is no guarantee that the time will be changed. The only exception to this will be return trips from appointments that are set up as "will calls." In this case, every effort will be made to adjust the rider's return trip pickup time and assign another vehicle to pick him or her up at a later time.

## **SECTION 5: PARATRANSIT PICKUP AND TRAVEL PROCEDURES**

### ***Section 5.1 - Pickup Procedures***

The rider will be provided with a scheduled pickup time. All riders should be ready 15 minutes prior to their scheduled pickup time and allow 15 minutes to pass beyond their pickup time before calling the scheduling line at 701.258.6817 to inquire about their ride. The driver will wait five (5) minutes beyond the scheduled pickup time for the rider to appear. If the rider does not appear within the five minutes, he or she will be considered a no-show.

If the vehicle arrives earlier than 15 minutes prior to the scheduled pickup time, dispatch will attempt to contact the rider. If the rider is not yet ready, the driver will wait until scheduled pickup time before beginning to count the five minutes allowed for the rider to appear.

If the paratransit vehicle arrives more than 15 minutes later than the scheduled time under normal weather, road and operating conditions, and the rider chooses not to take the ride this will be considered a "missed trip" rather than a "no show". If the rider decides to still take the trip; the rider may not be obligated for pay the fare if he or she calls the Bis-Man Transit office at 701.258.6817 and discusses the situation with the Transit Director.

The entrance to the building where the rider is picked up will be the same entrance the rider will be brought back to unless the scheduler is notified otherwise at the time the rider is booking the ride.

### ***Section 5.2 - Companions***

[ADA Regulation 49 CFR 37.123 (f)]

Eligible riders may take one (1) companion with them. The beginning and ending destination of this companion must be the same as the Bis-Man Transit rider. Companions must pay for their ride (refer to Section 2.5 -Rider Fares). Additional companions may be accommodated on a space available basis. Escorts are not counted as companions.

### ***Section 5.3 - Escorts***

[AD A Regulation 49 CFR 37.123 (f) and 37.131 (c) (3)]

The escort (also known as a personal care attendant) is defined as someone designated or employed specifically to help the eligible rider meet his or her personal needs. An escort is allowed to ride free. If a rider requires an escort, he or she must indicate this on the application for eligibility form or notify the main office by calling 701.258.6817 if the need arises after the person becomes a rider. Escorts must have the same origin and destination as the eligible individual. Escorts must remain with the rider during the complete trip.

### ***Section 5.4 - Origin to Destination Service***

[ADA Regulation 49 CFR 37.129]

On request, the driver will assist riders between the vehicle and the entrance of a house, apartment building, or other building. Such assistance must be requested in advance by notifying the dispatcher

when the rider makes the reservation. If the rider has indicated on his or her application that he or she requires driver assistance regularly, the schedulers shall indicate this on the rides for all future trips.

Driver assistance ends when the driver has assisted the rider in getting to the main door of the building. If the rider needs additional assistance beyond the main door, he or she needs to have someone meet him or her at the door or have an escort and/or companion ride along. The driver will not assist individuals in wheelchairs into buildings that are not accessible (other than opening doors), nor will drivers push wheelchairs through areas that have not been cleared of snow. Assistance will be provided up/down curbs.

If the destination building is locked and an escort is not with or no one is available to meet the rider, the driver may get approval from the dispatcher to return the rider to the place of origin. For the safety of the rider, consistent occurrences of disruptions to the service may result in requiring an escort to accompany the rider.

Because the vehicle will be shared, riders should limit their parcels to one armload. Packages must be kept on the rider's lap or under his or her seat. For the safety of all riders, people may not transport explosives, acids, flammable liquids, weapons, or other hazardous materials.

Drivers are allowed to assist with carrying one load of packages per trip (maximum total weight of 25 pounds). For grocery trips, the number of packages is still limited to one trip. Small personal grocery carts may be brought on the paratransit vehicle; however, they must be placed behind a seat out of the aisle. A limit on the number of packages is established due to the available space and time required to carry the items. Packages may be placed on the floor as long as they don't interfere with wheelchair securements.

During the winter months, it is the riders' responsibility to ensure that all sidewalks and pathways are clear of snow at their residence. If a rider cannot be accommodated because of impossible boarding conditions, then the trip is considered cancelled.

### ***Section 5.5 - Use of Ramp/Lift and Securement Inside Paratransit Buses***

[ADA Regulation 49 CFR 37.165)

For those riding in wheelchairs, the driver will secure the wheelchair using the vehicle's securement system. Wheelchairs must be secured during transport. Refusal by the rider to allow securement devices to be used will result in denial of service.

[ADA Regulation 49 CFR 37.165]

It is recommended, for safety reasons, that electrically powered wheelchairs must have the main power switch placed in the "off" position at all time while the vehicle is in motion.

All ("common wheelchairs") and their users will be transported. Individuals whose wheelchairs or other mobility devices do not meet the definition of "common wheelchairs" will be denied service.

A common wheelchair is defined as a wheelchair that does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied. Wheelchairs are defined to include both three-wheeled and four-wheeled mobility aids.

Three- wheeled "scooters" and other non-traditional designs that meet the definition of a common wheelchair must be transported.

Drivers and riders shall use seat belts at all times. Drivers shall instruct each rider to use the belt. Before pulling away from a stop, drivers shall make sure that riders are seated with seat belts properly secured. Children under the age of seven (7) who weigh less than 80 pounds and are less than 4'9" (57 inches) tall shall use an approved child restraint system at all times. The child restraint system is to be provided by the customer. Failure to use the seat belt and/or child restraint system shall result in denial of transportation services to the rider for that trip.

Exceptions to the mandatory seat belt requirements will be made for medical reasons upon receipt of a written statement from a physician, stating that the individual cannot be safely transported using seat belts because of a medical condition, body size, or physical disability.

### ***Section 5.6 - Capacity Constraints***

Bis-Man Transit will monitor service levels to determine the need to increase or reduce service to meet the transportation needs of riders. Therefore, records are kept and reviewed monthly of untimely pickups, missed trips, and excessively long trips (see definitions below) in order to consider the need for additional vehicles to meet capacity. There must be a consistent pattern and problems must be considered substantial in order to identify capacity constraints. If a significant capacity constraint is identified, additional vehicles may be placed into service to meet the demand.

Missed trip - Trips that are not completed because the vehicle arrived more than 15 minutes later than the scheduled time will be considered a "missed trip."

Excessively long trips - Travel time between pickup and drop off of more than one hour will be considered an "excessively long trip."

Bis-Man Transit is not responsible for operational problems caused by circumstances beyond our control such as unanticipated weather or traffic problems (trains, accidents, etc). Such problems will not be considered in establishing whether or not patterns that limit the availability of service exist.

The Bis-Man Transit driver cannot change a route (pickup or destination points) or make detours upon a rider request without first informing the dispatcher and receiving authorization.

### ***Section 5.7 - Service Animals and Life Support Equipment***

[ADA Regulation 49 CFR 37.167]

ADA paratransit eligible riders may travel with service animals trained to assist them. Service animals include guide dogs used by persons with vision or hearing impairments and dogs and other animals that provide aid to persons with mobility problems. Riders should tell the scheduler when reserving trips that a service animal will be traveling with. Eligible riders may travel with portable life support equipment such as respirators and portable oxygen.

Service Animals: The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to aid an individual with a disability. If the animal meets this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

Emotional support animals are not considered service animals under ADA. Transit operators may ask the rider what kind of assistance or service the animal performs, but cannot ask for proof of service certificate.

The Department of Justice states: You may exclude any animal, including a service animal, from your facility when that animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior toward other riders or the driver may be excluded.

People may not make assumptions, however, about how a particular animal is likely to behave based on past experience with other animals. Each situation must be considered individually.

### ***Section 5.8 - Prohibited Activities***

Smoking, drinking, or eating is not permitted in Bis-Man Transit vehicles. Smoking is not permitted within 20 feet of Bis-Man Transit vehicle doors and windows.

### ***Section 5.9 - Animals***

Pets may be brought on Bis-Man Transit vehicles if they are contained within a pet carrier during the whole trip duration.

### ***Section 5.10 - Children***

ADA eligible children age eight (8) and under are required to be accompanied by an adult, who will serve as the child's escort. If special equipment is needed to transport an infant or toddler, the family member or guardian accompanying the rider must provide the equipment (such as a car seat). The adult escort will not pay a fare.



## **SECTION 6: PARATRANSIT TRIP CANCELLATIONS AND DENIALS**

### ***Section 6.1 - Cancellations Procedures***

Rides must be cancelled at least 30 minutes prior to the scheduled pickup time, otherwise the ride will be considered a "no show". Bis-Man Transit requests that cancellations be called in as soon as possible as a courtesy to others needing a ride.

The dispatcher's clock is the correct time for determining lateness of cancellations. Clocks at the Bis-Man Transit office are regulated by atomic clocks on satellite time. Refer to a cell phone or atomic clock for the same time as ours.

### ***Section 6.2 - Penalties Imposed for "No-Shows"***

[Federal Regulation 49 CFR 37.125 (h)]

In order to be considered "a no show", each of the following conditions has occurred:

- The customer has a scheduled paratransit trip.
- The ADA vehicle arrives at the scheduled pick-up point within the scheduled thirty (30) minute pick-up window.
- The driver waits at least five (5) full minutes beyond the start of the scheduled pick-up window, and the customer fails to board the vehicle.

Late cancellations will be counted as a no-show for the purposes of this policy.

A late cancellation occurs when the customer (or customer's representative) fails to call dispatch thirty (30) minutes or more prior to the scheduled pick-up time to cancel his/her ride.

If the customer has more than one ride scheduled, having a no-show does not automatically cancel the rest of the rides for the day. It is still the customer's responsibility to call and cancel the remaining rides for the day. If the rides are not cancelled, and the customer does not ride, the result would be additional no-shows.

Bis-Man Transit will track scheduled trips, no-shows, and late cancellations by customer. Bis-Man Transit will identify customers who have three (3) or more no-shows/late cancellations within any thirty (30) day period.

On the day the rider violates the no-show/late cancellation policy, the following progressive action will be taken:

- First occurrence — A warning letter will be issued advising the rider that he/she has violated Bis-man Transit's no-show/late cancellation policy.
- Second occurrence — Customer will receive a seven (7) day\* suspension.
- Third occurrence — Customer will receive a fourteen (14) day\* suspension. Subscription trips will be cancelled.
- Fourth occurrence — Customer will receive a twenty-one (21) day\* suspension.

### **Appealing a Warning or Suspension**

Customers are given the opportunity to appeal a suspension of service with Bis-Man Transit. If any citizen using the Bis-Man Transit system has a concern or disagreement, they are asked to submit their

issue in writing. All written appeals will be investigated and a response issued within five (5) working days.

If the individual is not satisfied with the response received from the Administrative office, they have the right to appeal the decision to the Bis-Man Transit Board of Directors at their next scheduled meeting. After the Board of Directors has reviewed the situation, they will provide a written response within ten (10) working days.

If the individual is not satisfied still, they have the right to submit a complaint to the Federal Transit Administration at 1200 New Jersey Avenue, SE, Washington, DC 20590 United States.

No-shows are EXCUSED when the trip is missed for the following reasons:

- The customer has a family emergency
- Mobility aid failure
- Appointment cancelled/delayed for reasons not the customers fault
- Adverse weather: Snow storm, extreme heat or extreme cold
- Staffing error: The transit coordinator did not make all the cancellations the client requested; or customer just found out the ride was scheduled for the wrong day, time, or location; or the customer was not informed that his/her pick-up time was changed, and was not ready.

No-shows or cancels are NOT EXCUSED when the trip is missed for the following reasons:

- Customer didn't want to travel today
- Customer changed their mind about using appointment
- Customer didn't know or forgot that he/she had a ride scheduled or was supposed to call to cancel
- Customer got another ride
- Customer told someone else he/she was not planning to travel (driver, facility, etc.)
- Someone else scheduled the ride for him/her
- Customer does not want to ride with specific driver or passenger, or on a specific vehicle

### ***Section 6.3 - Refusal of Service***

[Federal Regulation 49 CFR 37.5 (h)]

Service may be refused to anyone who is seriously disruptive or commits an illegal or violent act in violation of an established regulation or law. An example would be a rider that refuses to use a seat belt during travel.

Seriously disruptive behavior does not include conduct related to a rider's disability that may be disruptive or annoying to other riders. An example of this is a person with Tourette's syndrome who may periodically utter involuntary profane statements.

Bis-Man Transit reserves the right to deny entrance into a vehicle if the rider appears disorderly or leads the driver to conclude that the rider will exhibit disruptive behavior that would pose a safety threat not only to the driver, but also the other riders, including, but not limited to, intoxication and use of illegal drugs.

The use of offensive language when addressing the scheduler, driver or other riders is not allowed. Refusal to discontinue usage upon request may result in trip denial.

Denials of service shall be recorded. A copy of the record can be provided to the rider or the rider's legal guardian upon request.

***Section 6.4 - Condition of Service***

Bis-Man Transit reserves the right to require an escort when transporting a rider that has a documented medical or behavioral condition that could pose an unsafe situation for the rider, driver, or other riders. Bis-Man Transit may suspend eligibility or permanently revoke riding privileges if our records indicate that the rider has threatened or abused a driver or other rider.

## **SECTION 7: OTHER INFORMATION**

### ***Section 7.1 - Travel Training***

Information about travel training for riders for Bis-Man Transit and the fixed-route Capital Area Transit buses may be obtained by calling the Bis-Man Transit office at 701.258.6817.

### ***Section 7.2 - Accessible Phone Communications***

[ADA Regulation 49 CFR 37.167 (f)]

Individuals who may utilize a TDD phone should call 7-1-1 to reserve a ride.

### ***Section 7.3 - Public Information***

[ADA49 CFR 37.167 (f)]

For information on how to obtain large print copies or a cassette tape of these guidelines, please call the Bis-Man Transit office at 701.258.6817 or TDD phone line at 7-1-1. Copies may be obtained from the Bis-Man Transit, 3750 E Rosser Ave, Bismarck, ND 58501. Copies are also available on the website at [www.bismantransit.com](http://www.bismantransit.com)

### ***Section 7.4 - Privacy Regarding Medical Information***

The medical information that may be gathered as part of the eligibility determination process will not be shared with any other party. Bis-Man Transit, however, may share information regarding the functional ability of an individual to utilize transit services with another transit system if this is required to determine eligibility in that system.

### ***Section 7.5 - Complaints and Compliments***

Bis-Man Transit would like to hear your suggestions, compliments, or complaints. Comments should be forwarded to the Transit Director by calling 701.258.6817 or TDD phone line 7-1-1 or in writing to:

Bis-Man Transit  
3750 E Rosser Ave  
Bismarck, ND 58501

### **Bis-Man Transit Board Official Complaint Process**

Bis-Man Transit is responsible to provide a safe, dependable, affordable transportation service. We encourage any rider or concerned citizen to notify the administrative office if he or she is not provided such a service. We also encourage any citizen that observes a driver in a vehicle not driving in a safe manner to contact the administrative office with the time and place where the vehicle was observed.

Bis-Man Transit will not discriminate against any individual regardless of race, color or national origin as identified under Title VI of the Civil Rights Act of 1964. To make an official complaint a person must submit the complaint in writing to the administrative office. (If the individual filing the complaint is unable to write out the complaint, Transit staff will assist the individual with writing the complaint). All written complaints will be investigated and a report issued to the individual with the complaint within 5

working days. If the individual is not satisfied with the response received from the administrative office, he or she has the right to appeal the decision to the Bis-Man Transit Board of Directors meeting.

After the Board of Directors has reviewed the situation, they will provide a written response within 10 working days. In regards to an appeal of a Title VI complaint decision, the appeal will be made to the City of Bismarck, following the city's appeal process.

#### ***Section 7.6 - Driver Training***

Drivers are trained to provide service to seniors and people with disabilities. In addition, all drivers received training in defensive driving and sensitivity, CPR and First Aid.

#### ***Section 7.7 - Vehicles***

Bis-Man Transit requires vehicles to receive regular service and maintenance according to specified standards. If you feel that some aspect of the vehicle may not have been properly maintained, please call the Bis-Man Transit office at 701.258.6817 or TDD line at 7-1-1.

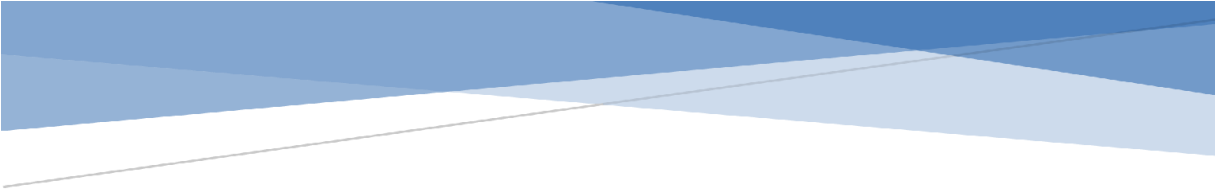
#### ***Section 7.8 - Reporting Abuse***

[Vulnerable Adult Act]

Drivers are to report any suspicion or knowledge that a vulnerable adult rider being transported has been abused, neglected, or exploited as soon as possible. Riders will be informed that the driver is making an "Adult Protection Report" with details of the observation or knowledge.

## SECTION 8: CIVIL RIGHTS POLICIES

### *Section 8.1 – Title VI Plan/Complaint Process*



# TITLE VI PROGRAM

Bis-Man Transit

July 27, 2021

**BIS-MAN TRANSIT**

**TITLE VI AND NON-DISCRIMINATION POLICY STATEMENT**

Bis-Man Transit hereinafter referred to as the “TRANSIT AGENCY” is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and statutes. The TRANSIT AGENCY assures that no person or groups(s) of persons shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the TRANSIT AGENCY, regardless of whether those programs and activities are federally funded or not. In addition to Title VI, there are other nondiscrimination statutes which include sex, age, and disability.

These requirements define an over-arching Title VI/Nondiscrimination and ADA Program.

The TRANSIT AGENCY also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the TRANSIT AGENCY will provide meaningful access to services for persons with Limited English Proficiency for language assistance free of charge to the person upon request.

In the event the TRANSIT AGENCY distributes federal-aid funds to a subrecipient, the TRANSIT AGENCY will include Title VI language in all written agreements and will monitor for compliance.

The TRANSIT AGENCY’s Title VI Coordinator, Deidre Hughes, Executive Director, 701.258.6817, 3750 East Rosser Avenue, Bismarck, ND 58501, [dhughes@bismantransit.com](mailto:dhughes@bismantransit.com) is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

2021

## **Public Notification of Title VI Protection**

The Title VI Notice to the Public (Appendix A) informs Bis-Man Transit riders of their rights in regards to transit and its services, specifically protection against discriminatory acts on the basis of race, color or national origin. Notices are posted at Transit offices, as well as on all fixed route and paratransit vehicles. The notice indicates procedures for the public to 1) request additional information on the recipient's Title VI obligations and 2) file a complaint with Bis-Man Transit. In addition to this notice, Bis-Man Transit's fixed route bus maps include a "statement of non-discrimination" followed by a "suggestions, compliments or complaints" section (Appendix B). Any complainant should inform Bis-Man Transit of any complaint regarding Title VI (race, color or national origin) protection through Bis-Man Transit's Complaint Process as directed through the Notice to the Public.



# Bis-Man Transit

## EXTERNAL COMPLAINTS OF DISCRIMINATION

**PART I - COMPLAINANT INFORMATION** (Print all items legibly.)

<b>Name</b>		<b>Telephone</b>
<b>Street Address/P.O. Box</b>		<b>Email Address</b>
<b>City</b>	<b>State</b>	<b>Zip Code</b>

**PART II - CAUSE OF DISCRIMINATION OR COMPLAINT BASED ON** [Check all appropriate box(s).]

**Title VI of the Civil Rights Act of 1964**

Race    
  Color    
  National Origin

**Other Nondiscrimination Statutes/Executive Orders**

Sex    
  Disability    
  Limited English Proficiency    
  Age    
  Income Status

**PART III - THE PARTICULARS ARE:** (Include names, dates, places, and incidents involved in the complaint.) [If additional space is needed, attach extra sheet(s).]


**PART IV - REMEDY SOUGHT** [State the specific remedy sought to resolve the issues(s).]


**PART V - VERIFICATION**

Complainant's Signature \_\_\_\_\_ Date \_\_\_\_\_

**Instructions**

**GENERAL**

1. Instructions provided within this form are not meant to be all inclusive. Any person or group(s) of persons filing external complaints of discrimination are responsible for all procedural requirements contained in the External Complaints of Discrimination process.
2. Under Title VI of the Civil Rights Act of 1964 or the related statutes and regulations, no person or groups(s) of persons shall, on the grounds of race, color, national origin; or sex, age, disability, limited English proficiency, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by **Bis-Man Transit.** Any person or groups(s) of persons who feel they have been discriminated against may file a complaint.
3. Complainants **must** include all required information and **must** meet all timeframes as defined in the **Bis-Man Transit** Complaint Procedure.
4. Legible copies of all available pertinent documentation should be attached to this form.
5. All inquiries should be directed to **Executive Director, Bis-Man Transit, 3750 East Rosser Avenue, Bismarck, ND 58501, 701.258.6817.**

## **PART I**

Complete all information in this section.

## **PART II**

Check all boxes that apply indicating the basis for the complaint. The discrimination **must** be based on at least one of the listed categories under Title VI or Other Nondiscrimination Statutes/Executive Orders. If the complaint pertains to service and the type is not listed, select "Other" and describe.

## **PART III**

State the specific complaint in a manner that clearly identifies the issues upon which the complaint is based.

## **PART IV**

State the minimum remedy acceptable for resolution of this complaint.

## **PART V**

Sign and date this section to verify the information contained in Parts I through IV.

## **External Complaints of Discrimination**

### **A. Introduction**

Bis-Man Transit's External Complaints of Discrimination process is consistent with the Federal Transit Administration's (FTA) Title VI complaint procedures filed under Title VI of the Civil Rights Act of 1964 (and related nondiscrimination statutes), Title II of the Americans with Disabilities Act of 1990, and/or Section 504 of the Rehabilitation Act of 1973. The related nondiscrimination statutes, regulations, Executive Orders (E.O.), directives, and other references are available upon request.

### **B. Agencies Authorized to Receive Complaints**

Complaints may be submitted to one of the following: Sub Recipient of NDDOT, NDDOT, FTA, the United States Department of Transportation (USDOT), or the United States Department of Justice (USDOJ). See Appendix A.

### **C. Persons Eligible to File**

Any person or any specific class of persons, by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964 (Race, Color, or National Origin), Section 504 of the Rehabilitation Act of 1973 (Section 504), or Title II of the Americans with Disabilities Act of 1990 (ADA), or related statutes (age, sex, or income status), may file a complaint.

### **D. Filing a Complaint**

1. A complaint is a written or electronic statement concerning an allegation of

discrimination that contains a request for the receiving office to take action. Complaints should be complete and sign Bis-Man Transit's External Complaints of Discrimination form and file by mail, fax, in person, or e-mail. A complaint should contain at least the following information:

- a. A written explanation of what has happened;
  - b. A way to contact the complainant;
  - c. The basis of the complaint, i.e., race, color, national origin; or sex, age, disability, income status, or limited English proficiency;
  - d. The identification of the respondent, i.e., agency/organization alleged to have discriminated;
  - e. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred; and
  - f. The date(s) of the alleged discriminatory act(s).
2. While the above indicates a complaint should be in writing and signed, Bis- Man Transit will accept complaints in alternate formats from persons with disabilities, upon request.
- a. Upon request to Bis-Man Transit, the complaint may be filed on a compact disk (PDF, work document, or audio recording are all acceptable formats) or in Braille.
3. The complainant may contact Bis-Man Transit for assistance in filing a complaint. Bis-Man Transit will consider every request for reasonable accommodation to provide:
- a. Accommodation for people with disabilities;
  - b. Language interpretation for people with limited English proficiency (LEP);
  - c. Translation of written materials necessary to access Bis-Man Transit programs and information.

To request accommodations, complainants may contact: Bis-Man Transit, 3750 East Rosser Avenue, Bismarck, ND 58501, 701.258.6817, [info@bismantransit.com](mailto:info@bismantransit.com)  
TTY users may use Relay North Dakota at 711 or (800)366-6888.

#### **E. Timeframes for Filing a Complaint**

1. Complaints must be filed within 180 calendar days of the last date of the alleged discrimination, unless the time for filing is extended. The filing date of the complaint is the earlier of:
  - a. The postmark of the complaint, or

- b. The date the complaint is received by any agency that has jurisdiction for the complaint. See Appendix A.

**F. Complaints Received by Bis-Man Transit Under FTA Jurisdiction**

1. Complaints filed under Title VI, related statutes, and Section 504/ADA in which Bis-Man Transit is named as respondent will be forwarded by Bis- Man Transit to NDDOT Civil Rights Division.
2. Title VI, related statutes, and Section 504/ADA complaints filed directly with Bis-Man Transit against its sub recipients or contractors will be processed by Bis-Man Transit in accordance with the FTA approved complaint procedures under FTA C 4710.1, FTA C 4702.1B, 49 CFR 27.13(b).
3. All written complaints will be investigated by the Administrative Office (**Executive Director, 701.258.6817m 3750 East Rosser Avenue, Bismarck, ND, 58501**) and a formal report will be issued to the complainant within 5 (five) business days.
4. Bis-Man Transit may investigate complaints against its sub recipients or contractors as follows:
  - a. The complaint will be reviewed within 10 business days to determine whether it contains all of the necessary information required for acceptance.
  - b. If the complaint is complete and no additional information is needed, the complainant will be sent a letter of acceptance along with the Complainant Consent/Release form and the Notice About Investigatory Uses of Personal Information fact sheet.
  - c. If the complaint is incomplete, the complainant will be contacted in writing or by telephone to obtain the additional information. The complainant will be given 10 business days to respond to the request for additional information.
  - d. If the investigator is not contacted by the complainant or does not receive the additional information within 15 business days, or if the

complainant no longer wishes to pursue their case, the Bis-Man Transit can issue a letter and administratively close the case.

#### **G. Complainant is Represented by an Attorney**

Complainants represented by an attorney should provide a letter of representation.

#### **H. Timeframes for Investigations by Bis-Man Transit**

1. For Title VI or related statutes complaints, Bis-Man Transit is required to follow the FTA C 4702.1B to comply with reporting requirements of 49 CFR 21.9(b). The investigation information is recorded on the Transit Title VI – List of Investigations, Lawsuits, and Complaints (SFN 60805) and submitted to NDDOT every year. Although, FTA regulations do not specify a timeframe for the investigation of Title VI complaints, the Bis-Man Transit attempts to complete investigations within 90 calendar days of receipt of the complaint from NDDOT.
2. For Section 504/ADA complaints, Bis-Man Transit is required to follow the FTA C 4710.1 to comply with reporting requirements of 49 CFR 27.121(b). Bis-Man Transit shall forward a copy of the complaint, together with a copy of the report of investigation within 90 calendar days of receipt of the complaint to NDDOT and FTA.

#### **I. Letters of Finding (LOFs)**

1. The FTA has delegated authority for issuing LOFs for Title I, related statutes, and Section 504/ADA complaints processed by FTA.
2. Bis-Man Transit has delegated authority for issuing LOFs for Title VI, related statutes, and Section 504/ADA complaints processed by Bis-Man Transit against FTA funded sub recipients or contractors.

#### **J. Appeals**

1. LOFs issued by the FTA are administratively final.
2. Closure letters or LOFs issued by Bis-Man Transit under FTA jurisdiction on Title VI, related statutes, and Section 504/ADA are administratively final. Individuals or a specific class of individuals, personally or through a representative, may submit a complaint to the North Dakota Department of Transportation (NDDOT) or Federal Transit Administration (FTA) within 180 days from the date of the alleged discrimination.

## APPENDIX A

### Agencies Authorized to Receive and Process Complaints of Discrimination

#### **North Dakota Department of Transportation**

Civil Rights Division  
608 E. Boulevard Avenue  
Bismarck, ND 58507-0700

Phone: (701) 328-2576  
Fax: (701) 328-0343  
TTY: 711 or (800) 366-6888

#### **Federal Transit Administration (FTA)**

Office of Civil Rights  
Attention: Complaint Team  
East Building, 5<sup>th</sup> Floor – TCR  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590

Phone (888) 446-4511

#### **United States Department of Transportation (USDOT)**

Departmental Office of Civil Rights  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590

Phone: (202) 366-4649  
Fax: (201) 202) 366-5575  
TTY/Assistive Device: (202) 366-9696

#### **USDOJ – Race, Color, National Origin Complaints**

Federal Coordination & Compliance Section – NWB  
Civil Rights Division  
U.S. Department of Justice (USDOJ)  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Phone: (888) 848-5306 (English & Spanish)  
(202) 307-2222 (voice)  
(202) 307-2678 (TDD)

#### **USDOJ – ADA Complaints**

US Department of Justice (USDOJ)  
950 Pennsylvania Avenue, N.W.  
Civil Rights Division  
Disability Rights Section 1425 NYAV  
Washington, DC 20530

Fax: (202) 307-1197

ADA Information Line: (800) 514-0301 (voice) or  
(800) 514-0383 (TTY)  
Main Section Telephone Number:  
(202) 307-0663 (voice and TTY)

## **Inclusive Public Participation Plan**

Bis-Man Transit follows the Bismarck-Mandan Metropolitan Planning Organization's Public Participation Plan (see Appendix D) for any public hearings, public meetings or reviews. The latest Transit Development Plan (TDP) was approved in April 2019. The MPO and Bis-Man Transit utilized various activities to increase the public's participation and interest in the TDP including:

1. A very "user friendly and reactive web page" was used to answer questions and comments from the public during the process.
2. Bis-Man Transit gave free bus rides to the TDP public meetings.
3. We have a variety of methods for the public to use to discussing transit issues. These methods include phone, e-mail, fax, social media sites (Facebook and Twitter), and in-person visits to the MPO or Bis-Man Transit office.
4. Public outreach through "meet and greets" at various educational and employment centers throughout the area.

In regard to engaging minority, disabled, and low income community members, Bis-Man Transit has public meetings in accessible meeting locations, during evening hours, and provides a variety of methods to communicate concerns, questions or comments.

Since the last Bis-Man Transit Title VI Program submission, Bis-Man Transit has developed and maintained social media accounts on Facebook and Twitter for the fixed route Capital Area Transit (CAT) service. Sites are updated at least weekly, and often multiple times a week, with pertinent updates and to encourage public comment and participation. Television, newspaper and radio marketing has also increased to inform the public about transit services and events.

The Bismarck-Mandan MPO, with Bis-Man Transit as an important member, employs numerous methods to reach "all people" with plans and studies. Accommodations are also made available to facilitate public attendance and participation at all meetings.



**Limited English Proficiency Plan**  
**For Bis-Man Transit**  
**March 2020**

**Bis-Man Transit**  
**3750 E. Rosser Avenue, Bismarck, ND 58501**  
**701-258-6817**

## INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the Bis-Man Transit responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled ***Improving Access to Services for Persons with Limited English Proficiency***, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all Bis-Man Transit departments receiving federal grant funds.

### **Plan Summary**

Bis-Man Transit has developed this ***Limited English Proficiency Plan*** to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the Bis-Man Transit used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the Bis-Man Transit.
2. The frequency with which LEP persons come in contact with Bis-Man Transit services.
3. The nature and importance of services provided by Bis-Man Transit to the LEP population.
4. The interpretation services available to Bis-Man Transit and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

### **MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS**

- 1. The number or proportion of LEP persons in the service area who may be served or are likely to require Bis-Man Transit services.**

The Bis-Man Transit staff reviewed the 2014-2018 ACS 5-Year Data Profile and determined that 1,415 individuals have limited English proficiency; that is that they speak English less than "very well" or "not at all." This is 1.2% of the overall population over the age of 5 in the Bismarck-Mandan Metropolitan Statistical Area (MSA). The percent of total LEP population speaking Spanish is 1.2%; Indo-European Languages, 0.5%; Asian-Pacific Island Languages, 0.1%; Other Languages, 0.1%.

***Based on the 1,000 person or 5% threshold, there is no individual language group that falls under the Safe Harbor Provision in the Bismarck-Mandan MSA.***

**2. The frequency with which LEP persons come in contact with Bis-Man Transit services.**

The Bis-Man Transit staff reviewed the frequency with which the Bis-Man Transit board and advisory committee members and Bis-Man Transit staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the Bis-Man Transit has had no requests for interpreters and no requests for translated program documents. The Bis-Man Transit board and advisory committee members and Bis-Man Transit staff have had very little contact with LEP persons related to Bis-Man Transit services.

**3. The nature and importance of services provided by Bis-Man Transit to the LEP population.**

There is no large geographic concentration of any type of LEP individuals in the service area for the Bis-Man Transit. The overwhelming majority of the population, 96%, speaks only English. As a result, there are few social, service, professional and leadership organizations within the Bis-Man Transit service area that focus on outreach to LEP individuals. The Bis-Man Transit Board advisory committee members and Bis-Man Transit staff are most likely to encounter LEP individuals through the transportation of clients.

**4. The resource available to Bis-Man Transit and overall costs to provide LEP assistance.**

Bis-Man Transit reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise. Language translation if needed would be provided through a telephone interpreter line for which the city would pay a fee.

## **LANGUAGE ASSISTANCE**

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to Bis-Man Transit services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How the Bis-Man Transit staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- All Bis-Man Transit staff will be provided with "I Speak" cards to assist in identifying the language interpretation needed if the occasion arises.
- All Bis-Man Transit staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the Bis-Man Transit sponsors an informational meeting or event, an advanced public notice of the event should be published including special needs related to offering a translator (LEP) or interpreter (sign language for hearing impaired individuals).

Additionally, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

### **Language Assistance Measures**

Although the Bismarck-Mandan MSA has a very low percentage in of LEP individuals, that is, persons who speak English "not well" or "not at all," Bis-Man Transit will strive to offer the following measures:

1. The Bis-Man Transit staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
  - Language interpretation will be accessed for non-English languages through a telephone interpretation service.

### **STAFF TRAINING**

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the "I Speak" cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

**All contractors or subcontractors performing work for Bis-Man Transit will be required to follow the Title VI/LEP guidelines.**

### **TRANSLATION OF DOCUMENTS**

Bis-Man Transit weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any documents translated.

Due to the very small local LEP population, Bis-Man Transit does not have a formal outreach procedure in place, as of 2014. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, Bis-Man Transit will consider the following options:

- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

## **MONITORING**

**Monitoring and Updating the LEP Plan** – Bis-Man Transit will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the latest Decennial U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the Bis-Man Transit service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the Bis-Man Transit financial resources are sufficient to fund language assistance resources needed.
- Determine whether Bis-Man Transit fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.
- Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints.

### **DISSEMINATION OF THE BIS-MAN TRANSIT LEP PLAN**

- Post signs at conspicuous and accessible locations notifying LEP persons of the LEP Plan and how to access language services.
- State on agendas and public notices in the language that LEP persons would understand that documents are available in that language upon request at 701-355-1840.

## Transit Related Title VI Investigations, Complaints and Lawsuits

There have not been any lawsuits, complaints or investigations relating to Bis-Man Transit since the last Title VI report in March 2017.

## Membership of Non-Elected Committees and Councils

The Bis-Man Transit Board elects their own members. Therefore, Bis-Man Transit has decided to document the membership of persons who represent minority classes. Although Transit's Board of Directors is not ethnically diverse, other minority and protected classes—including disabled persons and women—are highly represented. Overall this assembly reflects the local population, whose composition is not dominated by ethnic minorities.

### Minority Populations Represented on Bis-Man Transit Board of Directors

Class		Number of Individuals	Percentage of Board (11 Members)	Percentage of Bismarck MSA*
RACE				
	Caucasian	9	<b>100%</b>	<b>93.3%</b>
	Other Races	0	<b>0.0%</b>	<b>4.9%</b>
	2 or More Races	0	<b>0.0%</b>	<b>1.8%</b>
SEX				
	Male	5	<b>56%</b>	<b>50.6%</b>
	Female	4	<b>44%</b>	<b>49.4%</b>
DISABILITY				
	Disabled	1	<b>11%</b>	--
	Non-Disabled	8	<b>89%</b>	--

\*Percentages based on 2014-2020 U.S. Census Bureau American Community Survey, covering the Bismarck Metropolitan Statistical Area.

-- Estimate not available in 2014-2020 U.S. Census Bureau American Community Survey.

## Monitoring of Subrecipients Title VI Compliance

All contractors or subcontractors performing work for Bis-Man Transit will be required to follow Title VI / LEP guidelines. Such assurance is made at the time the contract is established.

## Title VI Equity Analysis of Newly Constructed Facilities

There have been no newly constructed facilities since the last Title VI plan was completed in 2017.

## **Bis-Man Transit System-Wide Service Standards and Policies**

### **Scope of Service Standards and Policies:**

Title 49 CFR states that “[n]o person or group of persons shall be discriminated against with regard to the to routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and locations of routes may not be determined on the basis of race, color, or national origin.” Service Standards and Policies are designed as qualitative controls, set by Bis-Man Transit to assess their operational practices and ensure that service design does not discriminate against Title IV protected classes.

### **Service Standards:**

- **Vehicle Load Standard**  
Fixed route buses should not exceed capacity during peak times, which will include a maximum number of 38 passengers on 30’ buses and 50 passengers on 35’ buses. To ensure safe and proper load standards, Bis-Man Transit will deploy only large buses on its heaviest routes during peak periods.
- **Vehicle Headway Standard**  
Bis-Man Transit deploys only one bus per fixed route at all times and days of operation. Further, there are no plans to develop routes with multiple vehicles. Therefore, headway standards do not apply to the Capital Area Transit (CAT) services.
- **On Time Performance Standard**  
Between 90 and 95 % of CAT buses will complete their routes no more than 5 minutes early or late in comparison to the published schedules.
- **Service Availability Standard**  
Fixed route buses will continue to employ a flag system that allows passengers to begin or terminate a ride at the nearest safe corner to their current/desired location. Transit services will be distributed in a way to encompass the majority of the Bismarck-Mandan community.

### **Bis-Man Transit Service Policies:**

- **Transit Amenities Policies**  
Transit will provide benches at all shelters along bus routes. Shelters will be constructed based upon the number and frequency of passengers and in accordance with city ordinances. Passengers will have the right to request benches at timing and transfer points. Transit will provide benches provided there is no objection from surrounding businesses to said fixtures.
- **Vehicle Assignment Policies**  
All 30’ CAT buses are comparable, if not the same, in seating and comfort standards. These buses will be deployed on random rotational basis to all routes throughout the Bis-Man community. The larger 35’ buses will be utilized during peak travel times on

routes with the highest average ridership, as these vehicles have the capacity to carry the largest influx of riders.



# Notice to the Public

## Bis-Man Transit Title VI Policy

Bis-Man Transit is responsible to provide a safe, dependable and affordable transportation service. We encourage any rider or concerned citizen to notify the administrative office if this standard of service is unmet. Any citizen who observes a Transit vehicle operator driving in an unsafe manner may contact the administrative office to report time and date of the incident. As ensured by the Bis-Man Transit Title VI Policy, Bis-Man Transit will not discriminate against an individual based on race, color, or national origin.\* Any person who believes they have experienced discrimination under Title VI protections may file a complaint with Bis-Man Transit. Contact the Bis-Man Transit Administrative Office at 701-258-6817 or go online at [www.bismant ransit .com](http://www.bismant ransit .com) for additional information on our Title VI policies or to fill out a complaint.

\*Title VI of the Civil Rights Act of 1964 governs race, color, and national origin. Related Nondiscrimination authority, 29 U.S.C. 790, governs disability.

Signed  \_\_\_\_\_ Date 3/30/2020

Name Steve Heydt \_\_\_\_\_ Title President, Bis-Man Transit Board

## **Section 8.2 – Reasonable Modification Plan/Complaint Process**

### **REASONABLE MODIFICATION POLICY**

In accordance with ADA regulations, it is the policy of Bis-Man Transit to provide individuals with disabilities with a reasonable modification to its policies, practices, and procedures so that they can access Bis-Man Transit's programs, facilities and services.

#### **What is a reasonable modification?**

A reasonable modification is a change or exception to a policy, practice, or procedure which allows people with disabilities to have equal access to programs, services and activities. Reasonable modifications must always be related to the individual's disability.

#### **What is the process for requests?**

Whenever possible, requests for reasonable modifications shall be made and determined in advance. An advance request for reasonable modification can be sent to:

Bis-Man Transit  
3750 East Rosser Ave Bismarck, ND 58501  
Telephone: 701.258.6817  
Email: info@bismantransit.com

The request shall include:

- Your contact information;
- A description of what you need in order to use a Bis-Man Transit service; and
- What changes or modifications you believe would be necessary to provide you full access to Bis- Man Transit's services.

Bis-Man Transit will use its best efforts to make a response as soon as practical. In some instances, additional information will be necessary to process the request. Please ensure your contact information is included with your request.

#### **What is the process for making on the spot requests?**

Bis-Man Transit understands it may not be possible for a reasonable modification request to be made and determined in advance. In these instances, please request a reasonable modification with a Bis-Man Transit operator at the time of issue. A response to an on the spot request will be made at the time of the request. Responses to on the spot requests can include: granting the request, denying the request, or referring the passenger to Bis-Man Transit management for further processing. Operators will generally seek assistance from Bis-Man Transit management during these instances via the two-way radio.

### **For what reasons may Bis-Man Transit deny a reasonable modification request?**

Bis-Man Transit may deny a reasonable modification request, whether made in advance or on the spot, for the following reasons:

1. Granting the request would fundamentally alter the nature of Bis-Man Transit's services, programs or activities;
2. Granting the request would create a direct threat to the health or safety of others;
3. The individual with a disability is able to fully use the entity's services, programs, or activities for their intended purpose without the need of a modification; and/or
4. Granting the request would cause Bis-Man Transit undue financial or administrative burden.

If a request is denied, Bis-Man Transit will act to the maximum extent possible to ensure the individual receives Bis-Man Transit's services or benefits.

### **What are examples of reasonable modifications Bis-Man Transit generally will grant?**

Bis-Man Transit will generally grant the following reasonable modification requests for individuals with disabilities:

- A request from a passenger whom has diabetes (or another medical condition) to eat or drink aboard a vehicle in order to avoid adverse health consequences so long as the drink is in a spill proof container and the food is a small snack that cannot cause any spills;
- A request for transit personnel to handle fare media when the passenger with a disability cannot pay the fare by the generally established means; for instance, when the passenger cannot reach or insert a fare into the fare box themselves;
- A request from a wheelchair user to board a vehicle separately from his or her device (if the individual is capable of doing so) when the occupied weight of the device exceeds the design load of the vehicle lift.

This list of examples is neither exhaustive nor exclusive. Passengers with disabilities are encouraged to contact Bis-Man Transit with specific reasonable modification requests.

It is Bis-Man Transit's goal to operate a safe, efficient, and effective transportation system that provides mobility and accessibility to persons with disabilities.

The request should be as specific as possible and include information on why the requested modification is needed in order to allow the individual to use Bis-Man Transit services. Bis-Man Transit will make every effort to communicate determinations on requests for modifications in advance of when the service will be needed verbally or in writing.

There are several ways to request a modification/accommodation form pursuant to the Americans with Disabilities Act.

**Access the form online:** Complete and submit the Reasonable Modification Request Form

**Mail:** Complete the Reasonable Modification Request Form, print it and mail to: Bis-Man Transit, Attention Mike Mundahl, 3750 East Rosser Ave, Bismarck, ND 58501

**Fax:** Complete the Reasonable Modification Request Form, print it and fax to 701.258.6752.

**Pick up a form:** Bis-Man Transit, 3750 East Rosser Ave, Bismarck, ND 58501

**Email:** Email Mike Mundahl; Marketing & Mobility Specialist at [info@bismantransit.com](mailto:info@bismantransit.com).

To obtain information about procedures and/or how to file a complaint, contact Mike Mundahl; Marketing & Mobility Specialist by one of the methods listed below:

**Email:** [info@bismantransit.com](mailto:info@bismantransit.com)

**Phone:** 701.258.6817

**Fax:** 701.258.6752

Reasonable Modifications requests will be processed in the following manner:

All requests will be logged into a Reasonable Modification/Accommodation spreadsheet noting the requester's name, date, contact information, specific modification request, outcome, and requester date of notification.

Individuals requesting modifications will be asked to supply sufficient detail within the request so that agency staff may effectively evaluate the request. Individuals are not required to use the term "reasonable modification" when requesting modifications or accommodations.

All requests for modifications (reasonable or otherwise) will be reviewed and evaluated by the Bis-Man Transit administrative staff.

All reasonable modification requests will be acknowledged within three (3) business days of receipt. The resolution and response to the requestor will be made timely, within fifteen (15) business days and the response must explain the reasons for the resolution. The response must be documented in the Reasonable Modification/Accommodation log.

Any requests requiring more than fifteen (15) business days to resolve must be reviewed at the Board of Directors level and documented as to why the resolution requires additional time to be completed.

Bis-Man Transit is committed to providing you with safe and reliable transportation services and we want your feedback. Please use this form for suggestions, compliments, and complaints. You may also call us at 701.258.6817, visit the Bis-Man Transit facility at 3750 East Rosser Avenue, Bismarck, ND 58501, or contact us by email or U.S. postal mail at the addresses below. Please make sure to provide us with your contact information in order to receive a response.

**Bis-Man Transit, 3750 East Rosser Avenue, Bismarck, ND 58501, 701.258.6817,  
[info@bismantransit.com](mailto:info@bismantransit.com).**

**REASONABLE MODIFICATIONS REQUEST FORM**

Please complete this form to request a reasonable modification of Bis-Man Transit bus services. Submit the completed form to Bis-Man Transit via FAX at 701.258.6752, via mail at 3750 East Rosser Ave, Bismarck, ND 58501 or via email at [info@bismantransit.com](mailto:info@bismantransit.com).

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

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

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

Description of Request: \_\_\_\_\_

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

Location & Routes Used: \_\_\_\_\_

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

Are you able to ride without this modification?: \_\_\_\_\_

\_\_\_\_\_

Comments or assistance with a reasonable modification request can be sent to [info@bismantransit.com](mailto:info@bismantransit.com) or call 701.258.6817.

## **Section 8.3 – ADA Complaint Process**

### **ADA COMPLAINT POLICY & PROCEDURE**

The following procedures apply to Bis-Man Transit.

#### **Right to File a Complaint Under Americans with Disabilities Act of 1990 (ADA)**

Any person who has a complaint about the accessibility of our transit system or believes discrimination has occurred on the basis of disability by Bis-Man Transit may file a written complaint detailing the accessibility issue or incident. All alleged discrimination complaints must be received within 180 days of the incident in question. Beyond that time period, complaints will be classified as comments.

Please provide all facts and circumstances surrounding the issue or accessibility complaint so the issue may be fully investigated.

#### **How to File a Complaint**

Any person who believes himself/herself or any specific class of individuals to be harmed by failure to comply with ADA regulations may, personally or through a representative, file a written complaint with the Marketing & Mobility Specialist.

It is best to file the complaint as soon as possible after the alleged discrimination, and keep a copy of it. Include as many details as possible (who, what, when, where, and so on).

Bis-Man Transit has the following options for filing the complaint:

**Email:** Send an email to the Marketing & Mobility Specialist, [info@bismantransit.com](mailto:info@bismantransit.com).

**Call:** Phone the Marketing & Mobility Specialist at 701.258.6817.

**Mail:** Print the ADA Comment Form, complete and mail to: Bis-Man Transit, Attention Marketing & Mobility Specialist, 3750 East Rosser Ave, Bismarck, ND 58501.

**In Person:** An ADA Comment Form can be located at 3750 East Rosser Ave, Bismarck, ND 58501.

Alternatively, you may download a copy of the form at [www.bismantransit.com](http://www.bismantransit.com).

Complainant does not have to file with Bis-Man Transit first in order to file with the Federal Transit Administration.

For written complaints, please include the following:

- Your name, address and contact information (telephone number, email address)
- For accessibility complaints: time, date, and location of the occurrence and reason you believe the agency, location, or service is not accessible to persons with disabilities
- For complaints related to alleged discrimination based on disability: time, date, location, and a description of the incident, names and/or descriptions of individuals involved, and why you believe the act was discriminatory.
- In both situations, please include the vehicle number and/or route if applicable.

- Please also provide any other documentation that is relevant to the complaint.

For complaints alleging discrimination based on disability, an investigation will be initiated within 10 days of receiving the complaint. Bis-Man Transit will make every effort to respond to ADA complaints within 30 working days of receipt.

If complainants disagree with the determination, they can appeal the decision in writing within thirty (30) days from the date of the determination. The appeal letter should state the reason(s) the complainant believes the decision was in error. The appeal letter should be mailed to Board of Directors, 3750 East Rosser Ave, Bismarck, ND 58501.

#### **File an ADA complaint in Washington D.C.**

You can file a complaint with the Federal Transit Administration (FTA) Office of Civil Rights in Washington D.C., by:

Going to the FTA ADA website to file a complaint with the FTA.

*Sending a complaint letter to:*

FTA Office of Civil Rights  
Attention: Complaint Team  
East Building, 5th Floor – TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

#### **Complaint Assistance**

If you are unable to complete a written complaint, please contact Bis-Man Transit at 701.258.6817 during regular business hours for assistance.

## Feedback and ADA Complaint Form

SECTION I: TYPE OF COMMENT (Choose One)*				
Compliment	Suggestion	Complaint	Other	ADA Related? Y / N
SECTION II: CONTACT INFORMATION				
Salutation [Mr./Mrs./Ms., etc]:				
Name:				
Rider ID (if applicable):				
Street Address:				
City, State, Zip code:				
Phone:		Email:		
Accessible Format Requirements:	Large Print___	TDD/Relay___	Audio Recording___	Other_____
SECTION III: COMMENT DETAILS				
Transit Service (Choose One) [as applicable] Fixed Route/Paratransit*				
Date of Occurance:		Time of Occurance:		
Name/ID of Employee(s) of Others Involved:				
Vehicle ID/Route Name or Number:				
Direction of Travel:				
Location of Incident				
Mobility Aid Used (if any):				
If above information is unknown, please provide other descriptive information to help identify the employee:				
Description of Incident or Message:				
Section IV: FOLLOW UP				
May we contact you if we need more details or info		Yes	No	
What is the best way to reach you? (Choose one)*		Phone	Email	Mail
If a phone call is preferred, what is the best day and time to reach you?				
Section V: DESIRED RESPONSE (Choose One)*				
<ul style="list-style-type: none"> <li>• Email Response</li> <li>• Telephone Response</li> <li>• Response by U.S. Postal Mail</li> </ul>				



**Addendum to Section 6.3 - Refusal of Service**

Service may be refused to an individual who throws up or has an accident in which bodily fluids are involved. If a rider comes in the vehicle and gets sick or has an accident that causes the driver to take the vehicle into the garage before service can be continued, Bis-Man Transit has the right to charge a reasonable amount for cleaning the vehicle.

**Section 2.6 Form**

**REFUND FORM**

All sections must be completed to be considered for refund. Refunds will not be processed on the same day. All approved refunds will be by check.

**1. PERSONAL INFORMATION**

Customer Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Home Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Customer Signature: \_\_\_\_\_ Today's Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

*I hereby certify that I am the original purchaser or personal representative of the below-described ticket(s)*

**2. REASON FOR REFUND**

Relocation

Death

**3. TICKET INFORMATION**

Ticket Type:  Paratransit Punch Tickets

Diminishing Balance

Number of Punch Tickets @ \$12.00: \_\_\_\_\_

Account Balance: \_\_\_\_\_

Total Refund Request Amount: \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE – OFFICE USE ONLY**

Original Form Taken By: \_\_\_\_\_ Date Taken: \_\_\_\_/\_\_\_\_/\_\_\_\_

Amount of Refund: \_\_\_\_\_  Claim Approved  Claim Disapproved

Authorized By: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**PLEASE READ THE FOLLOWING INSTRUCTIONS TO ENSURE A PROMPT INVESTIGATION AND RESOLUTION OF YOUR REFUND.**

If you are returning unused punch tickets for a refund due to death:

- Please complete all sections.
- Punch tickets must be undamaged and unused to be considered for refund.
- Punch tickets will not be refunded unless a copy of the certified death certificate is provided.

If you are requesting a refund for a diminishing balance account:

- Please complete all sections, including the reasoning for the refund.
- Diminishing balance refunds due to death will not be refunded unless a copy of the certified death certificate is provided.

Claims may be submitted in person at the Transit Facility or via mail. If you prefer to submit your claim by mail, please send to:

**Bis-Man Transit Board  
3750 East Rosser Ave  
Bismarck, ND 58501**

We will contact you regarding your claim within two weeks. If you have any questions, please call the Administrative Office during regular business hours at 701.258.6817.