



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY - PEORIA REGION
REPORT OF FINDINGS

Case # 11-090-9004
CityLink

INTRODUCTION

The Human Rights Authority (HRA) opened an investigation after receiving a complaint of possible rights violations against CityLink, a bus company. Complaints alleged the following:

1. Lack of accessibility for an individual in a wheelchair who is using bus services

If found substantiated, the allegations would violate the Americans with Disabilities Act (ADA) (28 CFR s 36.211, 36.201, 36.203, 36.202), the Americans with Disabilities Act Accessibility Guidelines (36 CFR s 1192.21, 1192.23) and the Code of Federal Regulations (49 CFR s 37 and 49 CFR s 38.).

CityLink is a bus company that services the Peoria Heights, West Peoria, Peoria, East Peoria, Bartonville and Pekin areas. They average approximately 2 million passengers per year, and their CityLift service, which primarily services people with disabilities, services approximately 10,000 individuals per year. CityLink is a municipal corporation that has 168 total employees.

To investigate the allegations, HRA team members met and interviewed members of the CityLink staff and reviewed documents pertinent to the case.

COMPLAINT STATEMENT

The complaint states that an individual using a wheelchair attempted to board a CityLink bus and was not allowed on. The complainant stated that the individual was told by the bus driver that the bus lift did not work. The complaint states that the lift did work but the bus driver just did not want to manually open the lift so that the rider could get onto the bus. The bus rider with the wheelchair reportedly has to go to the bus barn to be able to ride an accessible bus. The complaint states that this does not happen with every bus or with every bus driver. The complaint states that this happens 2 to 3 times a week and has happened over the last 4 years.

FINDINGS

Interview with CityLink Staff

The staff began by stating that their CityLift service, which is a door-to-door service where the rider can schedule to be picked up and taken to a destination, has 31 new vehicles. CityLift is a service that can be used by qualified individuals who have disabilities or other limitations. The staff stated that the CityLift service works fine and customers are satisfied, but the fixed route service, which is the regular CityLink bus service, is where individuals have difficulty. The staff stated that the CityLink service is a \$2 fare, but once you qualify for CityLift, it is free to ride CityLink and completely up to the rider which they choose. CityLift is a ADA-paratransit service and is a complimentary service that is funded by the government through grants. A bus company that has a fixed route service must also have the complimentary paratransit service.

The staff explained that all buses in the CityLink service are ADA compliant and they all have a lift or a ramp. The staff stated that they have ordered 21 new buses and these new buses are Low Floor Buses that will have ramps that go up to the curb. On the current buses, the general public is encouraged to use the seats in the back of the bus because the seats in the front of the bus are easier to access and used for passengers with disabilities. There are signs on the bus that persuade passengers without disabilities to move to the back and passengers with disabilities to use the front seats. The government (It was not specified if this was a state or federal audit during the interview) does a complete audit of all buses every three years and checks different aspects of the buses consistent with ADA requirements. On the CityLink buses, anyone with a disability rides for half price, and if the individual qualifies for the Circuit Breaker program, which is a state program, they ride for free.

The staff explained that there are 3 types of lifts on the CityLink buses. The newer buses have ramps. The front end of the bus is lowered and a ramp is deployed automatically. There are 12 buses that use this style of ramp. The second type of ramp is a scissor lift, which deploys from under the bus and extends as a ramp, flat on the ground. The ramp is able to pick up a wheelchair and lift the rider level to the bus where they can move onto the bus. There are 36 buses that use scissor lifts. The staff stated that the third type of lift is the worst one. It is called the 1500 and the lift looks like steps, and then goes flat, it extends to pick up the passenger and lift them onto the bus, then the lift goes back into stairs. The staff stated that they have to make parts and fix that type of lift constantly. All drivers are trained in using the lifts and all the lifts on fixed route buses are automatic. On the newest buses, if there is a problem with the motor on the lift, the driver can extend it manually, but they try not to have the drivers operate the lifts manually because the drivers could get hurt. The bus company will try to work on the lifts if they go out, but if they can not get to a lift, then they will send the bus out on the route. They stated that the 10 older buses get worked on almost daily. The staff said that if a lift does not work in the field, the bus driver will call dispatch who will get a supervisor to come pick up the individual in a van that has a lift, so everyone is always taken care between CityLift and the supervisors.

The staff stated that some drivers do not like to use the lift because it makes them late and the passengers do not make the transfer at the bus station. They said that they always use different drivers on different days and different buses on different routes. The bus drivers use

seniority to determine who gets what route. The staff said that there is a chance that a driver could not use the lift because they are worried about lateness, but if that were to happen, the supervisor would pick up the rider in the van. The staff stated that if the bus driver does have to call dispatch to pick up a rider, then he communicates to the rider to wait because someone is coming to get them. This is communicated verbally between the driver and rider; there is no other communication such as signs which would allow the rider to know that they can get a ride with the supervisor, only verbal communication when an incident occurs. The supervisor pick-up is not publicized or promoted any other way than between the rider and driver at the time of the incident. The CitiLink staff stated that they want the regular system to work and the supervisor pick-up to be the back-up. The staff also stated that it could look like the bus driver abandoned someone at the stop to the casual observer because they do not know they were told another ride is coming.

The staff also stated that they can not do anything regarding discipline towards a bus driver unless they know the exact stop and the bus driver's name. They need this information to look into the matter. The staff also stated that they do not know of any times during which a driver has just not picked up a passenger.

The staff explained that lifts are not accessible at all stops due to the location of the stops themselves, and they are trying to fix the issue to make all stops accessible. The buses are designed for urban transportation but Peoria is not designed for urban transportation. The city is agreeing to try and make all the stops accessible, but for now, if the stops are not in an accessible area, they will ask the rider to move to an area that is more accessible. For example, if the rider is in a grassy, uneven area, they will ask them to move onto the street into a flat area and then deploy the lift.

CityLink has a preventative maintenance program that has one mechanic who checks the lifts. The mechanic checks the lift every 6,000 miles or every six weeks. The staff explained that, in theory, if the buses' lift does not work, they are supposed to get a replacement bus, but that is a judgment call because there may not be a new bus with a working lift available. The staff stated that once they get the new buses, they will definitely be able to get a replacement if a lift does not work. They also said that when buses come in from the morning shift, they will switch in the afternoon if there is another bus with a working lift. This is also the protocol for when a lift breaks in the field.

The staff said that each lift has a 650 pound capacity and, between the person and the wheel chair, if they cannot lift that person they cannot transport them. They stated that the capacity is ADA compliant. The staff explained that sometimes scooters will weigh 200 pounds and power chairs are often heavy because of the batteries. They also said that often times the scooters are too wide. In these cases, they would call the van to come and transport a person whose scooter is too big.

The staff informed the HRA of a situation that occurred a month ago when an individual in a wheelchair went to get on a bus and the driver said that the lift did not work. The individual waited for a second bus and the second driver said that the lift did not work. The staff said that the passenger alerted a local news station who went to the stop with the rider to film if the rider

could get on the bus and the lift did work on the bus when the television crew was there. The CityLink staff said that the back-up process of the supervisor picking up individuals who cannot get rides in a van has been in place for two years. In that time, they discovered that there is a 3 hour gap between supervisors and another van was secured to cover that 3 hour gap during the day.

The staff explained that they have a grievance phone number and a special phone at the transit line that goes directly to a complaint line. They also have an ADA hotline number that is in all the vehicles and in the Rider's Guide. They stated that there is a Director of Special Services that ensures that CityLink is compliant and they also have an ADA Board that addresses all grievances. They stated that they have gotten other complaints regarding the lifts and estimated that they have received 6 grievances in a year. They also stated that the company that makes the lifts has sent representatives to educate the CityLink mechanics on maintaining the lifts.

In a follow-up phone call with a staff member, the member stated that there are 10 buses that CityLink cannot get parts for and currently (the date of this conversation was 10/19), 7 of those buses do not work. The staff member stated that they only send those buses out if there are no alternatives and only during the peak times, which are 4 hours in the morning and 4 hours in the evening. The staff member stated that the buses are not used everyday though. They said they try to alternate the buses so one will get fixed, and get sent out, but it will not last long before it needs fixed again. The staff member stated that on 10/3, five buses did not work and some of those buses are still currently not working, then on 10/10, 7 buses did not work and on 10/13 the same 7 did not work. The HRA requested documentation regarding the amount of time between the lift being reported as broken and when the lift is fixed, but CityLink did not have documentation of that type, only documentation from the time the mechanic began fixing the lift and when the lift was completed. The staff member stated that they try to get the buses fixed as fast as they can and that, once the mechanic begins to work on them, fixing the lift generally takes a day. When asked if there was any tracking of how long a bus goes on a route with having a broken lift, the CityLink staff answered that there is no real tracking,

Additional

On Monday, October 4th, at 3:40PM, this writer witnessed an individual with a wheelchair being denied access to a CityLink bus due to the lift not working. The Coordinator saw a bus pull away from the stop on University Street and an individual using a wheelchair was still at the stop. The Coordinator asked the individual whether the bus allowed him on, and the individual said that he was not allowed on the bus due to the fact that the lift did not work. The individual did say that the bus driver told him that they would send a back-up van. This writer waited with the individual for the van to arrive. In the process of waiting, the individual in the wheelchair called the bus company too and told them where he was and asked them to come and get him. At 4:15PM the van arrived at the stop to pick up the individual.

On Wednesday, October 6th, at 3:55PM, a CityLink bus arrived at the same stop on University Street and this time the lift worked.

Record and Policy Review

The HRA reviewed policies and records pertinent to the complaint. The HRA reviewed a CityLink booklet titled "Rider's Guide for People with Disabilities." The booklet describes CityLift as ". . . a shared ride paratransit, door-to-door transportation service provided by [Company Name] under the supervision of the Greater Peoria Mass Transit District (CityLink). The program provides complementary service for eligible individuals who are not able to use the regular bus service (also called "fixed route") because of a disability or other limitations. However, many customers find the fixed route service is often the best, most economical way for disabled customers to get where they need to go." The booklet proceeds to describe eligibility for the program as any individual with a disability or multiple disabilities who is not able to get on an accessible fixed-route bus, not able to disembark from an accessible fixed-route bus, or not able to get to or from or wait at a fixed-route bus stop. The booklet proceeds to state that "CityLift paratransit service is a 'safety net' for only those individuals who do not have the functional capability to use the fixed-route system." The booklet states that in order to use the CityLift service, an individual must apply by obtaining and completing an ADA application form. From the form, it will be determined whether you can use the CityLift service. The booklet also states that "Disability alone does not qualify a person to ride the paratransit service under the American's with Disabilities Act." Once you are accepted to use the CityLift service, you must call a day in advance to make a reservation for service. The service hours for CityLift are from 5:30AM until 1:00AM, Monday through Friday, 7:30AM until 10:30PM on Saturday, and there is no service on Sunday. When making a reservation, you must make a reservation to arrive at your destination and also when you will be picked up at your destination. The booklet also describes a "Pick-Up Window" of 15 minutes before your pick-up time and 15 minutes after your pick-up time. If an individual is scheduled to be picked up at 11AM, then they must arrive at the location at 10:45AM and 11:15AM. Also, the driver cannot wait longer than 5 minutes for the passenger, so whenever the driver shows up, within the pick-up window, they can only wait 5 minutes for the passenger. In comparison, depending on the route, the CityLink bus service runs between 5 and 6AM and stops anywhere between 5PM and 1AM Monday through Friday and 7:30Am through 3:30PM and 11PM on Saturday. Depending on the route, a bus arrives at each stop every 30 minutes to 1 hour. On the fixed route, there are specific times that the bus will stop, but CityLift has the "Pick-Up Window." There are no Sunday hours with the fixed route.

The HRA also reviewed a "Rider's Guide" booklet which states "The entire CityLink bus fleet is wheelchair accessible" on the back cover of the booklet. The back cover also has the hotline number for the ADA. There is also a pamphlet distributed for CityLink's 40th Anniversary, which states that, because of a stimulus grant, CityLink received money to purchase paratransit vans and new buses. The pamphlet states that "Twenty-one 35-foot low-floor transit coaches from [Company name] are on order and will begin arriving in the spring of 2011." The pamphlet goes on to state that "After the arrival of the currently ordered vehicles, CityLink plans to order five new buses every year. Within five years all of the current fleet will be replaced."

The HRA also reviewed grievances regarding CityLink's fixed-route buses. The HRA was told by CityLink that these were all the grievances that they had since 2008 and the grievances ranged from 9/16/2008 to 8/24/2010, and one complaint dated 3/22/2005. There are

42 grievances in the time range, and out of those grievances, 14 are related to the bus lift not being lowered and 28 are related to other topics. 4 grievances regarding lifts are from 2010, 6 are from 2009, and 4 are from 2008. Each complaint has an initial print-out of the complaint, and then a second print-out which concerns the follow-up of the complaint and to whom the complaint was referred. The form also has the location, bus number, and bus operator. One complaint, from 2/3/2010, reads "passenger couldn't get on bus. Lift didn't work. Passenger tired of this. Passenger said this was the Northfield bus." The follow-up comments for this complaint are blank and the location was unknown. A complaint from 1/14/2010 reads "Caller stated she is a caregiver for a handicap man that lives at [Apartment Complex Name]." The driver on the #3 at 9:15am outbound has told her client many times that his lift is not working and caller does not believe that. Caller says he just does not want to take the time to let her client on the bus and due to this has missed appointments. Caller also stated she has witnessed this driver pass someone up intentionally and also seen him curse at a passenger." The follow-up comments for this complaint are also blank and the location of the stop was an apartment complex. A complaint on 3/16/2009 reads "Caller stated driver would not let ramp down and she uses a walker. Caller needs ramp put down in order to get on the bus. Caller also stated her complaint isn't direct to just the driver. A clarification needs to be made to the drivers that it is a law and they must let the ramp down. Caller stated some drivers do, while others think they are not allowed to. Need supervisor to verify procedures." The follow-up comments for this complaint read "[Staff member's name] said that no one came to her with a walker and she knows the ADA laws." The location of the stop was at a chain department store. A complaint from 8/28/2009 reads "Caller stated she is handicap and requires a wheelchair lift, but the #14 Wisconsin wasn't working. Caller had a therapy appointment, so she talked to a Supervisor and he would not help her. Caller needed him to park closer to the curbside and she could have maneuvered her way into the seat, but Supervisor refused. Caller had to wait another hour for a bus. Caller is very unhappy with CityLink and CityLift services. This is the 7th incident she's encountered and is going to contact an attorney about inadequate service." The follow-up comments for this complaint are blank and the location of the stop was the Transit Center. The HRA also reviewed grievances that included positive statements, such as a 3/2/2010 complaint that reads "Good comment - driving a friend home and there was a Citylink bus on Arnold rd and RT8 from Washington. Helping handicapped passenger off bus with her walker. Driver would like this drive to be commended on this [sic]. She was having a bad day and this made her day!!!" and a 4/16/2010 complaint that reads "Was having trouble getting on the bus due to her balance and it being wet and slick. So the driver helped her get on the bus. Plus helped get her day started on time. She would like to thank the driver for helping her out. She said he was very polite and helpful."

The HRA also reviewed a televised news report regarding an individual's complaint against CityLink for inaccessibility on the fixed-route buses. A written transcript of the report from the news stated "On Tuesday, [Complainant's Name] made his usual half mile trip to the nearest bus stop. He waited a half hour for a bus to arrive and, when it did, the driver said the wheelchair lift was broken. An hour later bus number two pulled up with another broken lift. The third bus finally arrived in working order. On his return trip, [Complainant's Name] waited another hour for a bus with an operating wheelchair lift. [Complainant's Name] explains, 'So altogether I waited for 5 buses and only 2 of the lifts worked.'" The report goes on to quote the CityLink General Manager explaining that 21 new buses are on order and expected this spring

which means that they will not have mechanical problems in the future and that the buses are supposed to last 12 years but some buses are 18 to 20 years old. The General Manager also states in the report that "If disabled people would just use CityLift, we have a whole new fleet!" The article proceeds to say that CityLink did explain to the complainant that if the lift is not working, the bus driver will call a van to pick up the complainant.

The HRA also reviewed the maintenance records for the bus that was witnessed as not allowing an individual with a wheelchair to board. The Work Orders for the bus repairs ranged from 9/13/2010 through 9/30/2010. The repairs included fixing a left brake light, tightening a mirror, fixing a license plate light, fixing an exhaust leak, and fixing the charging system. The lift was not part of any work orders during that time. The buses 24000 mile inspection was also reviewed. The form states to "Check All Items Serviced" and most items on the list have initials and a line running through the checkbox. The "Wheelchair Lifts" section had no initials or line through the checkbox indicating that the lift had been serviced. The HRA contacted CityLink for clarification on why there were no initials on the wheelchair lift maintenance section of that specific bus and they were told that the lift had not been checked because it was known that the lift was inoperable on that bus and it was already tagged to be fixed. The HRA was sent a copy of a handwritten list of items that needed repair that is written on the back page of the 24000 mile maintenance sheet and "w/c tagged" was written into the list along with the sentence "part [sic] are not available/we have to make them." The date of the 24000 maintenance was 8/5/2010 and the date that the bus was seen not allowing a wheelchair onto the bus was 10/4/2010. The HRA found no evidence that the lift was fixed during that span.

The "Transit Operators Training Manual" states "Titles II and III of the Americans with Disabilities Act (ADA) of 1990 state that no entity, private or public, shall discriminate against an individual with a disability in conjunction with the provision of transportation service. The Act describes specific requirements for facility and vehicle accessibility and the provision of complementary paratransit service. It is the policy of the Greater Peoria Mass Transit District (CityLink) that all buildings and revenue service vehicles shall comply with the requirements of the Americans with Disabilities Act (ADA), as prescribed in 49 CFR Part 37, Subparts C, D, G, and Appendix A, and Part 38. The Federal Transit Administration (FTA) requires that the Transit District certify annually that it complies with the ADA's requirements for non-discrimination on the basis of disability in vehicle and facility accessibility, and the availability of other mandated transportation service." The manual proceeds to say "General maintenance procedures for passenger access lifts/ramps, bus kneeling steps, signage ... shall be conducted, per preventative maintenance guidelines, at 6,000-, 12,000-, 18,000-, and 24,000-mile maintenance intervals."

The training manual also states that "GPMTD [Greater Peoria Mass Transit District] fleet of revenue service vehicles, which all are available for fixed-route service, consists, of [sic] fifty-five (55) standard transit coaches of various lengths. Each of these buses is equipped with a lift or ramp to allow access to the vehicle by persons with physical impairments ... Prior to the deployment of a bus the driver shall cycle the wheelchair lift/ramp to determine its current availability status. If the wheelchair lift/ramp does not cycle properly, then the dispatch shall be notified ... Drivers shall, at all times, utilize all available accessibility features, including, but not limited to, signs, public address systems, lifts/ramps, bus kneeling steps, and other devices.

Drivers and mechanics shall ensure that all mobility aid devices and features are in proper working condition ... Drivers shall pick-up and/or discharge passengers who use lifts/ramps at any designated bus stop, unless the lift cannot be deployed, or will be damaged if it is deployed, or temporary conditions preclude the safe use of the stop by all passengers."

The manual also states "All drivers shall receive mandatory initial and annual training on the operation of the passenger access lifts/ramps and other features before operating any bus. Sensitivity training sessions will be conducted for all employees on the proper procedures for interfacing with persons with disabilities. Each employee will receive one (1) hour of sensitivity training by a qualified instructor each year." The manual also states "Per the federal law regarding the American with Disabilities Act Section 37.165 Lift and Securement Use, ... the Driver ... must provide assistance with the use of lifts ramps, and securement devices. For example, the driver must deploy the lift properly and safely. If the passenger cannot do so independently, the driver must assist the passenger with using the securement device. On a vehicle which uses a ramp for entry the driver may have to assist in pushing a manual wheelchair up the ramp particularly where the ramp slope is relatively steep [sic]." All of these actions may involve a driver leaving his seat." The manual also states "In the event the lift equipment malfunctions, contact the dispatcher immediately for instructions." Also, in the "Emergency Procedures" section of the manual, it states "If the ramp cannot be operated electrically, a manual latch release handle is provided to allow the operator to manually deploy and/or stow the ramp." The HRA did not find evidence in the training manual that stated that CityLink does not want the bus driver to manually deploy the lifts for passengers.

The HRA also reviewed documents titled "Operator's Daily Report of Condition of Vehicle," which are the driver's checklist that they must complete before taking the bus on a route. The HRA reviewed 18 driver's checklists ranging between the dates of 9/22/10 - 9/30/10. The checklists consist of different interior and exterior items that the bus driver is to check before taking the bus on the route. Many of the checklists are completed differently than others and, after the HRA asked for clarification on the modes of completion of the forms; they were told by CityLink staff that the bus drivers often are not consistent in how they complete the forms, for example some drivers only check parts of the bus that need maintenance while other drivers check all items on the list and add an X for inoperable parts of the bus. On 6 of the checklists, the wheelchair lift was noted as possibly having a problem. One specific checklist, dated 9/27/10, on bus number 1508, the word "Tagged" is written into the wheelchair lift checkbox, which was explained by CityLink staff as meaning the problem was discovered and a was written up for the maintenance staff the day before but they could not get to the problem so the bus was sent on the route.

The Maintenance Plan for CityLink describes the preventative maintenance program as four different levels of scheduled preventative maintenance, occurring at 6,000 miles, 12,000 miles, 18,000 miles and a major inspection at 24,000 miles. The inspections include a complete check of the bus, a pressure washing of the engine and transmission, and lubrication among other checks.

The Maintenance Plan for CityLink states "If a defect is reported by a bus operator, and the night shift cannot repair the bus, the bus should be held in if an adequate number of buses are

available for service. At no time should a bus with a safety-related defect, such as those involving, brakes, steering, or lights, knowingly be placed in service. If the defect is very minor in nature the bus can be used in service until other vehicles are available and the bus can be switched out." The Maintenance Plan does not specifically reference bus lifts or accessibility issues.

The HRA also reviewed a list of 1500 series buses that were used when other buses were unavailable for the dates of 10/11 through 10/20 from a list that was created for this investigation through the request of the HRA. The 1500 series buses are the group of buses deemed to have numerous mechanical failures with the lifts within this report. Bus 1517, which was the one that was witnessed not working by this writer, was sent into route on 10/11 through 10/13. When asked in a phone conversation with a staff member about buses on the grid that went out with no operational lift, the staff member gave the examples of 10/14, 6 buses went out on routes with no operational lifts, and on 10/15, the same 6 buses were used on routes with no operational lifts. In all, according to the grid, the 1500 series buses were used 90 times in the 9 day span for shifts of different hours.

MANDATES

The HRA reviewed pertinent regulations regarding the complaint. The Americans with Disabilities Act states "(a) A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part. (b) this section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs" (28 CFR s 36.211) and "(a) Prohibition of discrimination. No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any private entity who owns, leases (or leases to), or operates a place of public accommodation" (28 CFR s 36.201).

The Act also states "(a) General. A public accommodation shall afford goods, services, facilities, privileges, advantages, and accommodations to an individual with a disability in the most integrated setting appropriate to the needs of the individual. (b) Opportunity to participate. Notwithstanding the existence of separate or different programs or activities provided in accordance with this subpart, a public accommodation shall not deny an individual with a disability an opportunity to participate in such programs or activities that are not separate or different" (28 CFR s 36.203) and "(a) Denial of participation. A public accommodation shall not subject an individual or class of individuals on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation. (b) Participation in unequal benefit. A public accommodation shall not afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals" (28 CFR s 36.202).

The Americans with Disability Act Guidelines for Transportation Vehicles states "(a) New, used or remanufactured buses and vans (except over-the-road buses covered by subpart G of this part), to be considered accessible by regulations issued by the Department of Transportation in 49 CFR part 37, shall comply with the applicable provisions of this subpart" (36 CFR s 1192.21) (This regulations is also mirrored in the Code of Federal Regulations - 49 CFR s 38.21) and "(a) General. All vehicles covered by this subpart shall provide a level-change mechanism or boarding device (e.g., lift or ramp) complying with paragraph (b) or (c) of this section and sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location. At least two securement locations and devices, complying with paragraph (d) of this section, shall be provided on vehicles in excess of 22 feet in length; at least one securement location and device, complying with paragraph (d) of this section, shall be provided on vehicles 22 feet in length or less" (36 CFR s 1192.23 and also mirrored in the Code of Federal Regulations - 49 CFR s 38.23). The Guidelines also state "(f) Where necessary or upon request, the entity's personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so" (49 CFR s 37.165).

The Code of Federal Regulations state that "(d) Except as provided in paragraph (e) of this section, when a lift is discovered to be inoperative, the entity shall take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service. (e) If there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service the entity is able to provide, the public entity may keep the vehicle in service with an inoperable lift for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative. (f) In any case in which a vehicle is operating on a fixed route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the entity shall promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work" (49 CFR 37.163).

The Code of Federal Regulations also states "(a) Public and private entities providing transportation services shall maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage and systems to facilitate communications with persons with impaired vision or hearing. (b) Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the entity shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. (c) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs" (49 CFR 37.161).

The Code of federal regulations states "(a) No entity shall discriminate against an individual with a disability in connection with the provision of transportation service. (b) Notwithstanding the provision of any special transportation service to individuals with disabilities, an entity shall not, on the basis of disability, deny to any individual with a disability

the opportunity to use the entity's transportation service for the general public, if the individual is capable of using that service" (49 CFR s 37.5). The Code also states "(a) For purposes of this part, a vehicle shall be considered to be readily accessible to and usable by individuals with disabilities if it meets the requirements of this part and the standards set forth in part 38 of this title" (49 CFR s 37.7).

CONCLUSION

Complaint #1 - Lack of accessibility for an individual in a wheelchair who is using bus services

The complaint states that an individual was not allowed access onto a CityLink bus because the lift did not work and this happened 2 to 3 times a week for the last 3 years. The complaint states that the lift does work, but the driver did not want to get up and activate the lift. In the interview with the CityLink staff, they stated that they do send buses on routes knowing that the lifts are inoperable; they attempt to fix all lifts but if there is not another bus to take, they will send out a bus with a broken lift. In accordance with the ADA, this action is acceptable as long as there are no other buses available to be sent out, if there is another mode of transportation, and the bus is not sent out longer than 3 days with the inoperative lift (49 CFR 37.163). When asked, CityLink stated that they do not have a specific means of tracking how long a bus is used in route with a broken lift. The HRA found that 14 complaints over the last 3 years have regarded lifts and the HRA reviewed another complaint on a television news show about a complainant not being able to access buses because the lifts do not work. The HRA also discovered that in an 8 day period, there were six occasions where a lift did not work on the bus according to the driver and twice the problem was tagged but the maintenance crew could not get to the lift to fix it. Also, a staff member of the HRA saw an individual in a wheelchair being denied access to a bus due to the lift not working. The "Rider's Guide" that is given out by CityLink explains that every bus is wheelchair accessible and the "Rider's Guide for People with Disabilities" describes CityLink as a "Safety Net" for individuals who cannot use the fixed-route service. **The HRA did not find evidence to suggest that the lifts are working but the drivers are refusing to deploy the lifts, and they did not find evidence that one specific individual is being discriminated against or that the discrimination at a specific stop or being performed by a specific driver.** However, due to the evidence that not all CityLink buses are accessible to individuals with disabilities and Citylink is not monitoring the amount of time that the buses are being used with broken lifts to determine if they fall within the 72 hour span dictated by the ADA, the HRA finds the complaint that there is a lack of accessibility for an individual in a wheelchair who is using bus services **substantiated**, and offers the following **recommendations**:

- Comply with the ADA standards of accessibility for each fixed-route bus on the fleet. No longer deploy buses on a route that are not compliant with the ADA standards of accessibility.
- Create a system that tracks when a bus's lift is broken, and how long it is used in service with the broken lift to assure compliance with the ADA regulation 49 CFR 37.163.
- CityLink stated in the interview with the staff that they do not like the bus drivers to manually deploy the lifts due to the fact that they may get hurt. The HRA found no

evidence of this statement within CityLink's policies and procedures, but the HRA found evidence to the contrary of this statement in the operators training manual which states that a driver may have to "assist in pushing a manual wheelchair up the ramp particularly where the ramp slope is relatively steep." Also, the ADA guidelines state "(f) Where necessary or upon request, the entity's personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so" (49 CFR s 37.165). These guidelines require personnel to leave seats if needed. The HRA recommends, when the ramps are broken, the driver deploy the ramp manually rather than leaving the rider to wait for alternative transportation considering that policy and the ADA guidelines already dictate the driver to physically assist that passengers.

- Rather than depending on the bus driver to verbally communicate to the passenger about the supervisor's van in a situation where communication is limited due to proximity of the bus driver to the passenger and bus/street noise, post information for riders regarding the back-up van that will pick them up when the bus lift is broken on each bus to ensure that individuals in those situations will know what to expect as far as a back-up ride and to enhance communication about the alternate arrangement.

RESPONSE

Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.

REGIONAL HUMAN RIGHTS AUTHORITY

HRA CASE NO. 11-090-9004

SERVICE PROVIDER: CityLink

Pursuant to Section 23 of the Guardianship and Advocacy Act (20 ILCS 3955/1 *et seq.*), we have received the Human Rights Authority report of findings.

IMPORTANT NOTE

Human Rights Authority reports may be made a part of the public record. Reports voted public, along with any response you have provided and indicated you wish to be included in a public document will be posted on the Illinois Guardianship and Advocacy Commission Web Site. (Due to technical requirements, your response may be in a verbatim retyped format.) Reports are also provided to complainants and may be forwarded to regulatory agencies for their review.

We ask that the following action be taken:

We request that our response to any recommendation/s, plus any comments and/or objections be included as part of the public record.

We do not wish to include our response in the public record.

No response is included.

THOMAS N LUCEK
NAME

GENERAL MANAGER
TITLE

12/21/10
DATE

RECEIVED
DEC 22 2010

**GUARDIANSHIP &
ADVOCACY COMMISSION
PEORIA REGIONAL OFFICE**

2105 N.E. Jefferson Ave.
Peoria, IL 61603
TEL: 309.676.4040
FAX: 309.676.8373
www.ridecitylink.org

GREATER PEORIA MASS TRANSIT DISTRICT



March 7, 2011

Mr. Steven Watts, Chairperson
Regional Human Rights Authority
Illinois Guardianship Advocacy Commission
5407 N. University Suite #7
Peoria, IL 61614

RECEIVED
MAY 7 2011
GUARDIANSHIP &
ADVOCACY COMMISSION
PEORIA REGIONAL OFFICE

Re: Human Rights Authority Case #11-090-9004

Dear Mr. Watts,

We received your January 25, 2011 letter requesting further clarification from us regarding our plans to implement the recommendation you made in the draft report which was prepared in response to the referenced case # 11-090-9004. We have met with Mr. Gene Seaman, Human Rights Authority Coordinator, and plan to fully implement all of your recommendations.

We now require all of our bus drivers to fully cycle their wheelchair lifts before leaving the garage. If the wheelchair mechanism does not work properly then the bus does not leave the garage. The driver gets an alternative bus to drive and our mechanics work on repairing the defective unit and will not release the bus for service until it functions properly. Occasionally a lift that worked in the garage in the morning will still fail to function when a passenger using a wheelchair lift attempts to board the bus. When this happens the drivers are instructed to activate the wheelchair accessibility features manually. If the driver is not able to make the mechanism work properly then the driver will give the waiting passenger who was not able to board the bus a note with specific instructions on how and where alternative transportation will be provided for them.

Last week the first of 21 new buses arrived and we hope to have an entire fleet of low floor ramp accessible buses in operation within the next 12 months.

If you or Mr. Seaman would like additional information or would like to visit our facility we would be pleased to accommodate your request.

Very truly yours,

Tom N. Lucek, P. E.
General Manager

ATTENTION

To: All Operators

From: Tom Smith, Safety/Operations Director

Cc: Tom Lucek, General Manager
ATU 416

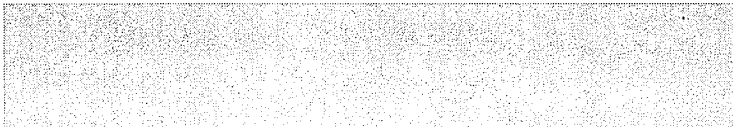
Date: 2/28/2011

Re: Pilot Bus

The new Gillig Pilot Bus is scheduled to arrive on property over the weekend. If any operators wish to familiarize themselves with the new bus; it will be available on Thursday between the hours of 8:00 AM and 6:00 PM in front of the South garage.

Any operator who wishes to walk-through and familiarize themselves with any new features may do so during these times. The company trainer will be on-hand for any question regarding the bus.

Feel free to comment on any features you may like or dislike.



Disabled Passenger Communication Card

There may be times when an operator is unable to transport a disabled passenger, this could be due to a broken lift, exceeds wheelchair capacity, or severely running behind schedule. Whatever the reason we must ensure that we communicate with the Disabled passenger on how they will be transported in a timely manner.

To help alleviate any communication failures with a Disabled passenger the District has developed a Communication Card that will be given to any Disabled passenger who cannot be transported on their bus for an unforeseen reason. An operator must fully complete the card once Dispatch is notified of the circumstances and present it to the Disabled passenger. This will ensure that the passenger is assured they will be transported to their location within a timely manner.

<p style="text-align: center;">Greater Peoria Mass Transit District Disabled Passenger Communication Card</p> <p>Dear Passenger, This bus is specifically designed to be accessible, but at this time it is currently unavailable due to:</p> <p><input type="checkbox"/> Exceeding Vehicle Capacity <input type="checkbox"/> Mechanical Failure <input type="checkbox"/> Schedule <input type="checkbox"/> Other (Explain): _____</p> <p>I have radioed our dispatcher to arrange for alternative transportation for you which should arrive within 30 minutes.</p> <p>If for some reason you receive another ride or if the next bus is a no-show please call: 309-676-4040</p> <p>Date: _____</p> <p>Name: _____</p> <p>Phone #: _____</p> <p>Location: _____</p> <p>Time Notified Dispatch: _____</p> <p>Operator #: _____</p> <p><small>Passenger Note: Please present this card to bus operator providing transportation. Thank you for your patronage and cooperation.</small></p>

**GREATHEART/PEORIA MASS. TRANSIT DISTRICT
REPORT OF OPERATIONS**

Day: Saturday
 Date: 2-26-11
 AM _____
 PM Cloudy

Weather

LATE PULL OUTS

Route	Block	Operator	Scheduled	Actual	Reason

SERVICE INTERRUPTIONS AND DELAYS OF GREATER THAN 10 MINUTES

Route	Block	Time	Direction	Reason	Time Delayed	# 1 Full 1-Way Trips Missed	Resolution

PERSONNEL

	Full Time		Extra Board		Part Time	
	New	Cont.	New	Cont.	New	Cont.
Total	45		36		3	
Used	12		21		2	
Day off	32		9			
Holiday <u>MUC</u>			1			
FMLA						
Sick				1		
Pers. Day			1			
Emerg. Pers. Day						
Excused						
Penalty						
Lv of Absence						
Bereavement						
Jury Duty						
Hire Off					1	
Miss Out						
Vacation		1				
Bonus Vacation						
Union Business						
Work Comp				1		
Supervision				1		
Instructor						
Bold=Chargeable						

ROADCALL

Vehicle Change		RC	GR	Reason
From	To			
9903	9901		X	Locking seals
9901	1613		X	Drivers side mirror
9907	2119		X	Need long bus
1607	9907		X	won't start
2107	2118		X	stop engine check
1705	2109		X	would not start
2107	1706		X	Front doors inoperative
2117	2103		X	Loss air pressure
1612	1701		X	Loss throttle
2107	9901		X	Brakes are grinding

SUPERVISION PASSENGER COUNT

	TOTAL		TOTAL		TOTAL
S-101		S-105		S-109	17
S-102		S-106		S-110	
S-103		S-107		S-111	
S-104		S-108			

BUSES AVAILABLE FOR PULL OUT

AM 22 PM

ACCIDENTS/INCIDENTS

	Count	Injuries
Vehicle Collision	0	0
Pedestrian	0	0
Passenger	0	0
Employee	0	0
New W/C Claims	0	0

OVERTIME

	HOURS
Operator	1447
Supervisor	0

WHEEL CHAIR COUNT

	TOTAL
AM SHIFT	11
PM SHIFT	2

COMMENTS

Farebox in bypass

This Report is an accurate accounting of the day's events as prepared by:

401 628

% Fixed Route Vehicles Not Avail: _____

% PM's Completed on Schedule: _____

Vacant Operator Positions: _____

Vacant Technician Positions: _____

BUS	HT	PEED	W/C	UP		BUS	HT	PEED	W/C	UP	
1502						9901					
1505		N				9903					
1507						9907					
1508			*		inop	9910					
1511		N				502					
1512		N				503					
1513						504					
1517						505					
1602						506					
1607						601					
1610						602					
1611						129					
1612						130					
1613					MOTOR WASH	131					
1701						408					
1702						7					
1703											
1704											
1705											
1706		N		N	FRONT DOORS						
1707		N		N	GEAR BOX						
1901					MOTOR WASH						
1902											
1903											
1904											
1905				N	ALARM						
2001					AM INSP.						
2002		N									
2003											
2004											
2005				N	ELECT						
2006											
2007											
2101											
2103		N									
2104											
2105											
2106											
2107											
2108	N		*		wont deploy						
2109											
2110											
2111				N	LOOSES OIL PRESSURE						
2113											
2114											
2115											
2116	N										
2117											
2118											
2119											

VANS	HT	W/C	UP	
101				
102			N	STATE INSP.
103				
104			N	WINDSHIELD
105				
106				
107				
108				
109				
110				
111				
112				
113				
114				
115				
116				
117	N			
118				
119	N			
120				
121				
122				
123				
124				
125				
126				
127				
128				
603				
604				

28-Feb-11

GREATER PEORIA TRANSIT DISTRICT REPORT OF OPERATION

Day: SATURDAY
 Date: 2-19-11
 AM Cool & Clear
 PM Clear-warm

Weather

LATE PULL OUTS

Route	Block	Operator	Scheduled	Actual	Reason

SERVICE INTERRUPTIONS AND DELAYS OF GREATER THAN 10 MINUTES

Route	Block	Time	Direction	Reason	Time Delayed	# 1 Full 1-Way Trips Missed	Resolution

PERSONNEL

	Full Time		Extra Board		Part Time	
	New	Cont.	New	Cont.	New	Cont.
Total	44		37		3	
Used	10		245		2.5	
Day off	32		9		.5	
Holiday						
FMLA						
Sick		1				
Pers. Day			.5			
Emerg. Pers. Day						
Excused						
Penalty						
Lv of Absence						
Bereavement						
Jury Duty						
Hire Off						
Miss Out						
Vacation						
Bonus Vacation						
Union Business						
Work Comp						
Supervision		1				
Instructor						
Bold=Chargeable						

ROADCALL

Vehicle Change		RC	GR	Reason
From	To			
1706	2004			Driver Request
1610	2105			Driver Restriction
1661	1706			No Brake Light
1607	1103			Low oil

SUPERVISION PASSENGER COUNT

TOTAL		TOTAL		TOTAL	
S-101		S-105		S-109	
S-102		S-106		S-110	
S-103		S-107		S-111	13
S-104		S-108			

BUSES AVAILABLE FOR PULL OUT

AM 22 PM

ACCIDENTS/INCIDENTS

	Count	Injuries
Vehicle Collision	0	0
Pedestrian	0	0
Passenger	0	0
Employee	0	0
New W/C Claims	0	0

OVERTIME

	HOURS
Operator	1:04
Supervisor	0

WHEEL CHAIR COUNT

TOTAL	
AM SHIFT	22
PM SHIFT	10

COMMENTS

% Fixed Route Vehicles Not Avail:
 % PM's Completed on Schedule:
 # Vacant Operator Positions:
 # Vacant Technician Positions:

This Report is an accurate accounting of the day's events as prepared by:

362 628

BUS	HT	PEED	W/C	UP		BUS	HT	PEED	W/C	UP
1502						9901				
1505		N				9903				
1507						9907				
1508						9910				
1511		N				502				
1512		N				503				
1513						504				
1517					<u>MOTOR WASH</u>	505				
1602					<u>AM INSP. #2</u>	506				
1607						601				
1610						602				
1611						129				
1612						130				
1613						131				
1701						408				
1702						7				
1703										
1704										
1705				N	<u>ALL BRAKES</u>					
1706		N								
1707		N		N	<u>GEAR BOX</u>					
1901										
1902					<u>AM INSP.</u>					
1903										
1904										
1905				N	<u>ALARM</u>					
2001										
2002		N								
2003										
2004										
2005				N	<u>TEMP PROBE</u>					
2006										
2007										
2101										
2103		N			<u>MOTOR WASH</u>					
2104										
2105										
2106										
2107										
2108	N									
2109										
2110				N	<u>FAN DRIVE</u>					
2111										
2113										
2114										
2115										
2116	N									
2117										
2118										
2119										

VANS	HT	W/C	UP
101			
102			
103			
104			
105			
106			
107			
108			
109			
110			
111			
112			
113			
114			
115			
116			
117	N		
118			
119	N		
120			
121			
122			
123			
124			
125			
126			
127			
128			
603			
604			

21-Feb-11

GREATER PEORIA MASS. TRANSIT DISTRICT
REPORT OF OPERATIONS

Day: FRIDAY
 Date: 2-18-11
 AM Beautiful
 PM Nice

Weather

LATE PULL OUTS

Route	Block	Operator	Scheduled	Actual	Reason

SERVICE INTERRUPTIONS AND DELAYS OF GREATER THAN 10 MINUTES

Route	Block	Time	Direction	Reason	Time Delayed	# 1 Full 1-Way Trips Missed	Resolution

PERSONNEL

	Full Time		Extra Board		Part Time	
	New	Cont.	New	Cont.	New	Cont.
Total	44		37		3	
Used	29		27.5		2	
Day off	9		1		1	
Holiday						
FMLA		2		1		
Sick		7		2		
Pers. Day						
Emerg. Pers. Day						
Excused						
Penalty						
Lv of Absence		1				
Bereavement						
Jury Duty						
Hire Off						
Miss Out						
Vacation	1		1	3		
Bonus Vacation						
Union Business						
Work Comp				1.5		
Supervision		1				
Instructor						
Bold=Chargeable						

ROADCALL

Vehicle Change		RC	GR	Reason
From	To			
1706	1905		✓	
2005	2007		✓	Alarms on
9910	2106		✓	
2104	2003		✓	lift wouldnt stop
1905	2115		✓	Alarms going off
1517	2104		✓	DK. DOOR
2104	2106		✓	FA. DOOR
2111	2108	X		Dies

SUPERVISION PASSENGER COUNT

	TOTAL		TOTAL		TOTAL
S-101	—	S-105	2	S-109	—
S-102	9	S-106	—	S-110	—
S-103	—	S-107	—	S-111	—
S-104	8	S-108	—		

BUSES AVAILABLE FOR PULL OUT

AM 46 PM 18 + 3 VANS

ACCIDENTS/INCIDENTS

	Count	Injuries
Vehicle Collision	—	—
Pedestrian	—	—
Passenger	2	—
Employee	—	—
New W/C Claims	—	—

OVERTIME

	HOURS
Operator	49:09
Supervisor	0

WHEEL CHAIR COUNT

	TOTAL
AM SHIFT	12
PM SHIFT	5

COMMENTS

This Report is an accurate accounting of the day's events as prepared by:

362 623

% Fixed Route Vehicles Not Avail.:	
% PM's Completed on Schedule:	
# Vacant Operator Positions:	
# Vacant Technician Positions:	

BUS	HT	PEED	W/C	UP		BUS	HT	PEED	W/C	UP
1502				N	FAN DRIVE	9901				
1505		N		N	AIR COMP	9903				
1507						9907				
1508						9910				
1511		N				502				
1512		N				503				
1513						504				
1517						505				
1602						506				
1607				N	FUEL SHUT OFF	601				
1610						602				
1611						129				
1612						130				
1613						131				
1701						408				
1702						7				

1703					
1704					
1705				N	ALL BRAKES
1706		N			
1707		N		N	
1901					
1902					
1903					
1904					
1905				N	ALARM
2001					
2002		N			
2003					
2004					
2005				N	TEMP PROBE
2006					
2007					
2101					
2103		N			
2104					
2105					
2106					
2107					
2108	N				
2109					
2110				N	FAN DRIVE
2111					
2113					
2114					
2115				N	
2116	N				
2117					
2118					
2119					

VANS	HT	W/C	UP
101			
102			
103			
104			
105			
106			
107			
108			
109			
110			
111			
112			
113			
114			
115			
116			
117	N		
118			
119	N		
120			
121			
122			
123			
124			
125			
126			
127			
128			
603			
604			