

## UTAH TRANSIT AUTHORITY POLICY

### No. UTA.01.02

#### AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

##### 1) Purpose.

To ensure that all UTA programs, services, and facilities are Accessible to qualified individuals with disabilities in compliance with all Titles of the Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008. UTA is subject to the Americans with Disabilities Act, 42 U.S.C. § 12101. Title I of the ADA prohibits discrimination against Applicants and employees with disabilities in all aspect of employment, as well as the provision of Reasonable Accommodations. Title II of the ADA prohibits discrimination against individuals with disabilities in the provision of public transportation services. Title III of the ADA requires that individuals with disabilities must have full and equal access to and enjoyment of the goods, services, facilities, or accommodations of any public or private place of public accommodation. Title IV of the ADA requires the provision of telecommunication relay services. Title V of the ADA includes miscellaneous provisions including the requirement that covered entities comply with Section 504 of the Rehabilitation Act of 1973 and prohibits retaliation, intimidation, coercion, threats, or interference with people who seek to exercise their rights under the ADA.

##### 2) Definitions.

*"Accessible"* means a program, service, or facility that can be accessed and capable of being used by an individual with a Disability, in compliance with the Americans with Disabilities Act.

*"Applicant"* means an individual who submits an application for employment to the Utah Transit Authority. This includes both internal and external job Applicants.

*"Disability"* means a physical or mental impairment that substantially limits one or more major life activities;

- a history or record of such an impairment;
- being regarded as having such an impairment.

Note: Disabilities can be visible and invisible. Per the legislative intent of the ADA, this definition must be broadly interpreted.

*"Facility"* means all or any portion of buildings, structure, site improvements, elements, vehicles, equipment, pedestrian routes, parking lots, or vehicular ways located on a site.

*"Reasonable Accommodation"* means changes in UTA's employment policies, practices, and procedures to enable qualified individuals with disabilities to fully participate in UTA's employment processes.

*"Service Animal"* means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a Disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired vision to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. This definition is consistent with the United States Department of Transportation's (DOT) definition which can be found in the DOT's ADA regulations at 49 C.F.R. § 37.3.

"Service Modification" means changes to UTA's operational policies, practices, and procedures to ensure that UTA transportation services are Accessible to and usable by individuals with disabilities.

"UTA" means Utah Transit Authority

### 3) Policy.

#### A. Commitment.

UTA is committed to full compliance with the Americans with Disabilities Act (ADA) of 1990, as amended, and Section 504 of the Rehabilitation Act of 1974. All employees are responsible for ensuring that UTA facilities, programs and services are Accessible to and usable by individuals with disabilities as required by the ADA. UTA prohibits retaliation against individuals who file complaints regarding ADA compliance or who support an individual in filing such complaints.

#### B. Requests for Accommodation.

Individuals interested in requesting a Reasonable Accommodation for a Disability must submit a written and, in most cases, provide medical documentation regarding their request

1. Employees. It is recommended that employees seeking a Reasonable Accommodation contact the People Office to initiate a request. However, employees may also contact their managers or supervisors to make the initial request.
2. Applicants seeking a Reasonable Accommodation must request an accommodation through the People Office, who will provide the appropriate forms to the Applicant.

#### C. Public Services and Public Accommodations.

To ensure compliance with ADA requirements, as well as to ensure that services and accommodations are Accessible on the date available to the general public, the ADA Compliance Officer will review the following prior to final adoption:

1. Construction plans for new facilities
2. Plans for remodeling existing facilities
3. Procurement specifications for bus and rail vehicles
4. Data collection tools posted on UTA's website
5. External web-based applications for mobile devices

#### D. Online and Electronic Content.

1. All online and electronic content, including the UTA website, electronic documents or data collection tools posted on the UTA website, and applications ("apps") for personal electronic devices procured by UTA, must be Accessible.
2. External web content and web applications, including content used on mobile devices (e.g., "apps"), must meet the latest version of the Web Content Accessibility Guidelines (WCAG) developed by the World Wide Web Consortium (W3C).
3. Prior to launching new or updated external web content or applications, internal testing must be conducted with members of the Disability community to verify accessibility.

#### E. Requests for Information in Alternate Formats.

UTA will provide information in an alternate format upon request. Alternate formats may include Braille, large print, or audio for printed materials or an American Sign Language (ASL) interpreter for meetings. Alternate format requests for information regarding UTA's paratransit or flex route service will be forwarded to the Special Services customer care department for

processing. All other alternate format requests will be forwarded to the ADA Compliance Officer for processing.

F. Telecommunications.

UTA will participate in the telephone relay services available when an individual dials 7-1-1.

G. Service Animals.

1. Individuals must maintain control of their Service Animals at all times on all UTA vehicles, in all UTA facilities, and when participating in all UTA services or programs.
2. While in UTA vehicles or facilities, service animals must remain on an individual's lap or on the floor at the individual's feet, unless the ADA Compliance Officer has granted a Service Modification request.
3. Service Animals may be excluded from a UTA vehicle, facility, service, or program if they present a safety threat, which may include acting aggressively toward people or other animals.
4. Service Animals may be excluded from a UTA vehicle, facility, service, or program if they urinate or defecate in a UTA vehicle or facility.
5. Service Animals must be clean and well groomed.

H. Procurement.

Language will be included in applicable requests for proposals and contracts requiring that programs, services, and facilities will be Accessible to and useable by individuals with disabilities.

I. Policy Considerations.

The information and examples outlined in this policy are intended to provide a general overview only and should not be viewed as an exhaustive list of obligations that UTA may have under the Americans with Disabilities Act. UTA employees are strongly encouraged to reach out to the ADA Compliance Officer for additional guidance and clarification during the planning stages of all new or substantially altered programs, services, and facilities.

4) Cross-References.

- Americans with Disabilities Act, 42 U.S.C. § 12101
- UTA Paratransit Rider's Guide
- UTA SOP HR 110-ReasonableAccommodation Request Handling
- UTA SOP HR 120-Applicants Requesting ADA Accommodations
- UTA SOP HR 130-Job Reassignment Under ADA
- UTA SOP BO 1.6-Wheelchair Lift and Ramp Operation
- UTA SOP BO 1.9-Serving Customers with Disabilities
- BU 6.9 In-System Requests for Reasonable Modifications of Policies and Practices
- Corporate Policy 5.2.2 - Service Modifications
- BU 7.0 Transit Improvement Projects

This UTA Policy was reviewed by UTA's Chief Officers on 04/06/2022, approved by the Board of Trustees on \_\_\_\_\_ and approved by the Executive Director on \_\_\_\_\_. This policy takes effect on the latter date.

DocuSigned by:



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Kim Shanklin, Chief People Officer  
Accountable Executive

Jay Fox  
Executive Director

Approved as to form and content:

DocuSigned by:



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Counselor for the Authority

**History**

| Date      | Action                                                                     | Owner                  |
|-----------|----------------------------------------------------------------------------|------------------------|
| 1/13/2020 | Adopted – UTA Policy 6.1.1 American with Disabilities Act (ADA) Compliance | ADA Compliance Officer |
|           | Renumbered - UTA.01.02 American with Disabilities Act (ADA) Compliance     | ADA Compliance Officer |
|           | Board Approved – UTA.01.02 American with Disabilities Act (ADA) Compliance | ADA Compliance Officer |
|           | Adopted - UTA.01.02 American with Disabilities Act (ADA) Compliance        | ADA Compliance Officer |