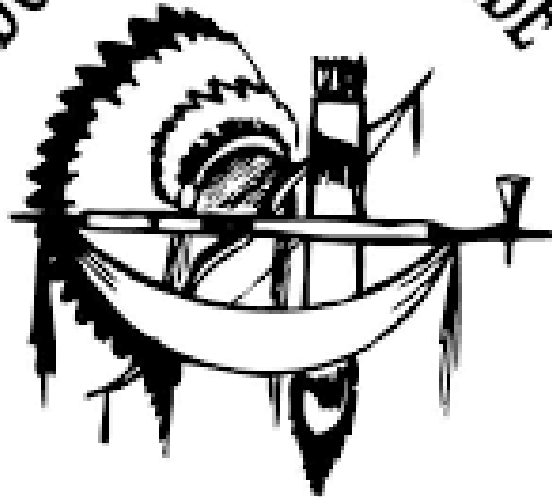


BURNS PAIUTE TRIBE



EST. 10-13-1972

# *Route Deviation Policy*

Tribal Transit Program  
100 Pasigo Street  
Burns, OR 97720  
541.413.0057  
TTY / 711

January 2023

Purpose and Goals:

The purpose of this policy is to establish the governing principles for the operation of a safe, convenient, and cost-effective route deviation transit system serving the Burns Paiute Tribe, its reservation, and the nearby communities in which it operates. This policy will comply with and be informed by:

Title VI of the Civil Rights Act of 1964

49-CFR-Part 27                      Nondiscrimination based on disability in programs receiving federal assistance

49-CFR- Part 37                      Transportation services for individuals with

49-CFR- Part 38 -    Accessibility Specifications for Transportation Vehicles

Buses and Equipment:

At all times the vehicles deployed for deviated route service will meet or exceed the accessibility standards mandated by 49-CFR-Part 38. All operators will be trained to proficiency on the use of incorporated accessibility equipment.

Area of Service:

The area of service for route deviation shall be ¼ of a mile on either side of the fixed route line. Appendix A approximates the area of service. However, in determining the eligibility of origins and destinations, the Burns Paiute Tribe shall incorporate a point-to-point (as opposed to as-the-crow-flies) reckoning. Common tools that the Tribe may employ include Google Maps, Open Street Maps, and Mapquest.com.

How to Schedule a Deviation:

A passenger can request a deviation by calling the Tribal Transit Office at 541.413.0057. The Burns Paiute Tribe endeavors to serve same day deviation requests. There is no limit to the number of deviations a passenger may request. The agency will not prioritize one type of deviation request over another. A trip to the dentist will be given equal priority as a trip to the candy store. There is no limit on who may request a deviation.

Cancellations and No-Shows:

A cancellation made an hour or more before the requested deviation is processed at no fault to the rider. A cancellation made less than an hour prior to the scheduled deviation is considered a *Late Cancel*. If the bus arrives at the agreed deviation point and the passenger is not there it will be recorded as a *No Show*.

A pattern of Late Cancels may result in suspension of a passenger's deviation request privileges.

The first No Show will result in a written warning. Further no-show activity may result in suspension of a passenger's deviation request privileges for at least 3 days (but not longer than 30 days) at the Transit Manager's discretion.

Passengers who have been suspended may appeal to the Tribal Human Resources Department. In considering an appeal the Human Resources Department may interview the rider, bus drivers, witnesses and review surveillance and other records. The Human Resources Department will override or uphold the suspension based on their findings within 7 days of the filing of appeal. Their decision is final.

#### Dwell Time:

Dwell time in this mode is a maximum of 30 seconds. The bus will wait no longer at a requested deviation point for a passenger to present as ready to ride than it would at a designated bus stop. In this regard, a passenger requesting a deviation should be ready at the agreed origin five minutes prior to the bus's arrival. If the passenger misses the scheduled connection, it'll be recorded as a No Show and subsequent deviation requests for the day will be considered cancelled.

With these things in mind, a passenger waiting at a scheduled deviation has the same rights as a passenger at a formal bus stop. The bus and driver will spend whatever time is required to safely board the passenger and his or her mobility devices.

#### Handling Deviation Requests:

Route Deviation service is considered a Demand Response mode by the Americans with Disabilities Act. As such, it does not require the Tribe to provide complementary paratransit (sometimes called dial-a-ride). However, it is important to the Tribe that the bus runs on time. At its sole discretion, the Tribe may send a dial-a-ride vehicle to facilitate one or more deviation requests rather than taking the bus off route.

#### Flag Stops:

The route deviation model is not in conflict with the practice of flag stops. However, the route between scheduled bus stops may differ from the published schedule to accommodate another passenger's deviation request. For the best results, passengers are encouraged to use designated bus stops whenever possible.

#### Legacy Policy:

The deviated route system operates under the same published policies as the larger Tribal Transit system. As such:

- Passengers should be at the bus stop (or deviation point) five minutes prior to the scheduled departure time.
- Passengers are encouraged to cross the street AFTER the bus has pulled away to allow for full view of on-coming traffic in both directions.

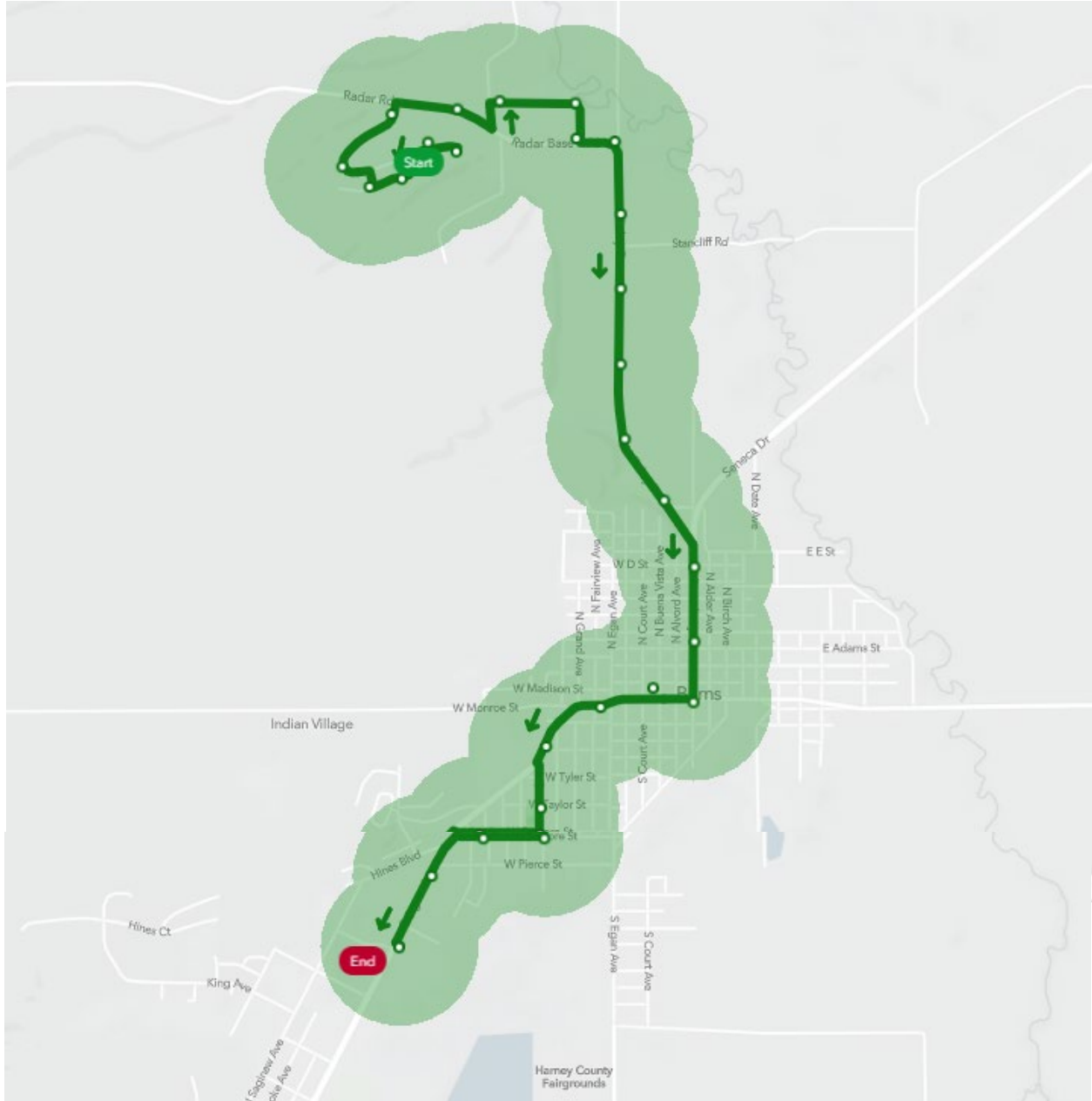
- We accommodate service animals recognized by the Federal Transit Administration
  - Pets, companion, or "comfort" animals do not qualify.
- Carry-on items are limited to what the passenger can load and stow independently.
  - No items may be left in the aisle.
  - No items which cannot be safely stowed (in the driver's estimation)
  - No hazardous materials (e.g., fuel containers but other examples apply)
  - Non-Service Animals must be in a pet carrier.
  - Public Transit is not responsible for lost or stolen belongings.
  - Our driver may assist with carry-on items up to 25 pounds (in the driver's estimation). Our driver is prohibited by Tribal Transit policy from attempting to lift more than 25 pounds, please don't ask.
- Priority seating is for the elderly and people with disabilities.
- Cell phones are allowed on the bus, but passengers are encouraged to be courteous to other passengers.
- Personal music devices are allowed on the bus but ONLY with headphones.
- Standees are permitted behind the white line only (no passenger may board a Burns Paiute vehicle wearing rollerblades or roller skates)
- Bare feet are not allowed on the bus.
- The Burns Paiute Tribe reserves the right to refuse entry or to expel any passenger who (in the judgment of Tribal Transit through its operators) interferes with the safe operation of the vehicle.

Durability:

This policy is intended to be a living document. Having been adopted by Tribal governance, it may be periodically opened for review, revision, public comment, and formal modification.

If any provision of this policy is found to be out of compliance with a stronger governing policy, grant agreement, Federal Transit Administration circular or Oregon Revised Statute or Administrative Rule, the rest of the policy will remain in full effect while the Tribe makes the necessary updates.

**Need updated map with clinic stop**



## Purpose

The purpose of the reasonable modification policy is to ensure that Burns Paiute Tribal Transit offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

## Policy

The Burns Paiute Tribe is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services, and activities. The Tribe recognizes that to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Tribal Transit will adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. The Burns Paiute Tribe does not discriminate based on disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Tribal Transit will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the Burns Paiute Tribe or be subject to discrimination by its Tribal Transit program.

## Reasonable Modifications

A reasonable modification is a change or exception to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services, and activities. Tribal Transit will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for qualified individuals with disabilities, unless:

- Making the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health or safety of other passengers.
- The individual with a disability can fully use Tribal Transit services without the accommodation being made.

For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term “reasonable modifications” as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

## **Eligibility Criteria**

An individual is eligible to be considered to receive a reasonable modification if that individual has: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or been regarded as having such impairment.

## **Requests for Reasonable Modifications**

The Burns Paiute Tribe shall make information about how to contact Tribal Transit to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines. Tribal Transit shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe what they need to use the service.
- b. Individuals requesting modifications are **not** required to use the term “reasonable modification” when making a request. Personnel at Tribal Transit will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Tribal requests that individuals make such requests for modifications before the expectation of modified service.
- d. Where a request for modification cannot practically be made and determined in advance, operating personnel shall decide whether the modification should be provided at the time of the request. Operating personnel may consult with Tribal Transit management before deciding to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made.

The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

## **Interactive Process**

When a request for accommodation is made, Tribal Transit and the individual requesting accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided.

## **Time Frame for Processing Requests and Providing Reasonable Modification**

Tribal Transit will process requests for reasonable accommodation and then provide accommodation, where appropriate, in as short a time frame as reasonably possible. The Burns Paiute Tribe recognizes,

however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

### **Granting a Reasonable Modification Request**

As soon as Tribal Transit determines that reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice **must be in writing** to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, Tribal Transit shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

### **Denying a Reasonable Modification Request**

As soon as Tribal Transit determines that a request for reasonable accommodation will be denied it will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- a. The specific reasons for the denial.
- b. Any alternative accommodation that may create the same access to transit services as requested by the individual; and
- c. The opportunity to file a complaint relative to Tribal Transit's decision on the request.

### Appendix C: Complaints and Complaint Processing

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The Burns Paiute Tribe takes the safety, comfort, and accommodation of its passengers very seriously. When a passenger feels that the Tribal Transit program has not lived up to these ideals, s/he is encouraged to file a complaint with the Transit Manager:

Carla Teeman Tribal Transit Coordinator  
Burns Paiute Tribe  
100 Pasigo Street  
Burns, Oregon 97720  
541.573.8017  
[carla.teeman@BurnsPaiute-nsn.gov](mailto:carla.teeman@BurnsPaiute-nsn.gov)

In the public transit industry, there are several different complaint classifications. They are described in this document below for the sake of compliance with applicable regulations. However, Tribal Transit recognizes that a complainant may not always know if his or her grievance falls neatly into one or more categories. For this reason, Tribal Transit uses a general-purpose complaint form that allows the



passenger, his/her assistants or advocates, the Burns Paiute Tribe's Transit Manager, and the Burns Paiute Tribe's Human Resource Department (which acts as an authority for appeals) to proceed through all applicable Tribal, State, and Federal processes.

### **Title VI (Civil Rights):**

In order to comply with 49 CFR Section 21.9(b), the Burns Paiute Tribe has developed procedures for investigating and tracking Title VI complaints filed against them and providing procedures for filing a complaint available to members of the public upon request.

### **Who Can File a Discrimination Complaint**

Anyone may file a complaint. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group. A complainant filing on behalf of or pertaining to another person(s) is responsible for securing any necessary written consent from that individual, including when a parent files for a student over the age of 18.

Complainants, or their representative, may file a written complaint with the Title VI Complaint Coordinator at any time within one hundred and eighty (180) days from the date of the alleged discriminatory act.

If you believe you have been subject to discrimination under Title IV, you may file a complaint.

### **How to file a Title VI Complaint**

You may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- Name, address, phone number and relationship of Representative to Complainant, if applicable
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information for any witnesses.
- Other information that you deem significant

A form is available at the Tribal Administration Office or on the Burns Paiute Tribe webpage @ <https://burnspaiute-nsn.gov/>:

Carla Teeman Tribal Transit Coordinator  
Burns Paiute Tribe  
100 Pasigo Street  
Burns, Oregon 97720  
541.573.8017  
[carla.teeman@BurnsPaiute-nsn.gov](mailto:carla.teeman@BurnsPaiute-nsn.gov)

*NOTE: The Burns Paiute Tribe encourages all complainants to certify all mail that is sent through the U.S. Postal service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the original alleged date of discrimination.*

#### **Americans with Disabilities Act and Reasonable Accommodation:**

Tribal Transit has a process for investigating and tracking complaints. These procedures shall be posted on the Burns Paiute Tribe's website and will be provided to any individual whose request for accommodation has been denied. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available upon request.

Any person who believes she or he has been discriminated against on the basis of a disability or in obtaining a reasonable modification may file a complaint by completing and submitting a complaint form. Tribal Transit investigates complaints received no more than 30 days after receipt. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Tribal Transit may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to the Tribal Transit program.

If Tribal Transit is not contacted by the complainant or does not receive the additional information within 30 business days, it may close the complaint administratively. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After an investigation, a decision will be rendered in writing to the complainant. Tribal Transit will issue either a Letter of Closure or Letter of Finding.

- a. Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Tribal Transit to address the complaint.
- b. Letter of Closure* – This letter will explain why Tribal Transit has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of Tribal Transit an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 30 days of the initial decision.

In the event of appeal, the complainant will be granted all due process, including the ability to present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

#### *Designated Employee*

The Burns Paiute Tribe shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Carla Teeman Tribal Transit Coordinator  
Burns Paiute Tribe  
100 Pasigo Street  
Burns, Oregon 97720  
541.573.8017  
[carla.teeman@BurnsPaiute-nsn.gov](mailto:carla.teeman@BurnsPaiute-nsn.gov)

*Record Retention*

Tribal Transit will maintain all records related to the Americans with Disabilities Act and reasonable modification requests and denials for at least three (3) years.