



## **TRANSPORTATION COMMITTEE AGENDA**

City of Brainerd, Minnesota  
City Hall, 501 Laurel Street, Council Chambers  
Thursday, January 23, 2025 @ 2:30 PM

The public is invited to attend these meetings in person

Meetings are broadcast on CTC ch 8, Charter ch 181, YouTube, AppleTV, Roku, and Amazon FireTV

1. **Call To Order**

2. **Roll Call**

\_\_\_VACANT \_\_\_J. Czeczok \_\_\_VACANT\_\_\_M. Koep \_\_\_J. Lambert \_\_\_L. Nebel \_\_\_VACANT

3. **Approval Of Agenda - Voice Vote**

4. **Approval Of Minutes**

A. **9.19.2024 TAC Minutes**

5. **Financial Reports**

A. **Transit Revenue and Expenditure Report**

6. **Unfinished Business**

A. **2024 Year End Financial**

7. **New Business**

A. **Americans With Disabilities Act Plan**

B. **Recommend Authorize Solicitation of Request for Quotes (RFQ) for Technology (Transit Software) and after City of Brainerd City Council approval of quotes and purchase to implement software.**

8. **Public Forum**

Time allocated for citizens to bring matters not on the agenda to the attention of the Committee -  
Time limits may be imposed

9. **Staff Reports**

A. **Staff Report**

10. **Committee Member Reports**

11. **Adjourn**

Visit the Transit Website at [www.ci.brainerd.mn.us/transit](http://www.ci.brainerd.mn.us/transit)

MISSION

*"It is the Mission of the Brainerd & Crow Wing County Public Transit agency  
to facilitate mobility by providing options for safe, efficient and reliable transportation"*

**TRANSPORTATION ADVISORY COMMITTEE**  
**Thursday, September 19<sup>th</sup>, 2024, 2:30 p.m.**  
**City Hall Council Chambers**

Pursuant to due call and notice thereof, the regular meeting of the Transportation Advisory Committee was called to order at 2:30 p.m. by Chair Stenberg.

Upon roll call, the following members were noted present: Czczok, Koep, Lambert and Stenberg. Committee member Nebel was noted as absent. Also noted present Public Works Director Dehn.

**Approval of Agenda**

MOVED AND SECONDED BY COMMITTEE MEMBERS KOEP AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA.

**Approval of Minutes for the meeting held on May 9th, 2024**

MOVED AND SECONDED BY COMMITTEE MEMBERS KOEP AND CZECZOK, DULY CARRIED, TO APPROVE THE MINUTES OF THE MAY 9<sup>TH</sup> 2024 TAC MEETING.

**Financial Reports**

Public Works Director Dehn discussed expenses and stated Transit is on pace based on the budget for the year.

Committee Member Czczok directed a question regarding whether the city is being reimbursed for services and provided an example being bus washes and cleaning.

MOVED AND SECONDED BY COMMITTEE MEMBERS CZECZOK AND LAMBERT, DULY CARRIED, TO DIRECT STAFF TO VERIFY CONTRACT LANGUAGE REGARDING BUS WASHING AND CLEANING COSTS AND REIMBURSEMENTS RELATED TO THE MAINTENANCE OF BUSES.

Additional discussion was held regarding revenue and expenditures, coop contracts, and ridership.

**New Business**

**Sale of Bus 114**

Public Works Director shared that Transit received the new bus ordered in 2021 and it is now in service. Transit Coordinator Gauthier is working on the extensive process with MnDOT on disposition of bus 114.

Additional discussion was held regarding buses. Public Works Director Dehn stated that there is a solicitation coming up for the next bus order soon and that MnDOT will be allowing purchasing of accessible vans in the future.

MOVED AND SECONDED BY COMMITTEE MEMBERS LAMBERT AND CZECZOK, DULY CARRIED, FOR THE SALE AND DISPOSAL OF BUS 114.

## **Public Forum**

The Chair opened the public forum at 2:58 p.m.

No one came forward.

The chair closed the public forum at 2:59 p.m.

## **Staff Reports**

### **Transit Operating Statistics**

Public Works Director Dehn provided a recap and ridership report for the last year since the changes of the fare increases, County service changes, and the loss of Pine River came into effect. Public Works Director Dehn stated that additional time was necessary to report this year's numbers to make a full comparison to ensure responsible recommendations are provided.

Discussion followed regarding operating policy updates, 2025 grant budget increase and ridership trends.

Public Works Director Dehn provided an update on RouteMatch software (Trip spark) and that it has been having serious issues since July. The intent going forward is to review the contract with Trip Spark because the interruptions are unacceptable.

Public Works Director Dehn stated that the contractor has made some great improvements since the new contract has been put in place. Since a full time manager has started the preventive maintenance is getting back on track. The Contractor has been swift in addressing poor driver behaviors. Data entry is still an issue, and they are being tracked for nonperformance.

Public Works Director Dehn shared that Transit Coordinator Gauthier is working on radio advertisements and the extensive process for solicitation of new software. Public Works Director Dehn also shared that Transit staff is working on the potential of a new facility to house buses and operations. The current facility will not be available in the long term.

## **Committee Member Comments/Questions**

Committee Member Lambert complemented the third-party contractor for the improvements.

Committee Member Czczok shared that it is always enjoyable to have an upbeat, enjoyable and welcoming driver and make for better service.

## **Adjourn**

MOVED AND SECONDED BY COMMITTEE MEMBERS CZCZOK AND LAMBERT, DULY CARRIED, TO ADJOURN THE MEETING AT 3:11 P.M.

REVENUE AND EXPENDITURE REPORT FOR CITY OF BRAINERD  
PERIOD ENDING 12/31/2024

|                                |                            | 2024           | YTD BALANCE       | Estimated 2024                  | Estimated                      |
|--------------------------------|----------------------------|----------------|-------------------|---------------------------------|--------------------------------|
| GL NUMBER                      | DESCRIPTION                | AMENDED BUDGET | NORMAL (ABNORMAL) | Full Accrual<br>MnDOT Reporting | \$ Amount<br>Over/Under Budget |
| Fund 203 - TRANSIT FUND        |                            |                |                   |                                 |                                |
| Revenues                       |                            |                |                   |                                 |                                |
| FEDERAL GRANTS                 |                            |                |                   |                                 |                                |
| 203-0000-33100                 | FEDERAL GRANTS-OPERATING   | 508,833.00     | 494,093.83        | 485,662.34                      |                                |
| 203-0000-33101                 | FEDERAL GRANTS-CAPITAL     | 76,380.00      | 0.00              | 0.00                            |                                |
| FEDERAL GRANTS                 |                            | 585,213.00     | 494,093.83        | 485,662.34                      | (99,550.66)                    |
| STATE GRANTS & AIDS            |                            |                |                   |                                 |                                |
| 203-0000-33422                 | STATE GRANTS - OPERATING   | 876,837.00     | 876,837.00        | 868,580.35                      |                                |
| 203-0000-33423                 | STATE GRANT - CAPITAL      | 26,220.00      | 102,600.00        | 102,600.00                      |                                |
| STATE GRANTS & AIDS            |                            | 903,057.00     | 979,437.00        | 971,180.35                      | 68,123.35                      |
| REVENUE FROM OTHER GOVERNMENTS |                            |                |                   |                                 |                                |
| 203-0000-33600                 | REVENUE FROM OTHER GOVTS   | (34,580.00)    | 0.00              | 0.00                            |                                |
| REVENUE FROM OTHER GOVERNMENTS |                            | (34,580.00)    | 0.00              | 0.00                            | 34,580.00                      |
| CHARGES FOR SERVICES           |                            |                |                   |                                 |                                |
| 203-0000-34910                 | BUS REVENUE                | 185,028.00     | 47,798.07         | 47,939.07                       |                                |
| 203-0000-34920                 | COUNTER SALES              | 0.00           | 43,041.00         | 43,041.00                       |                                |
| 203-0000-34930                 | INVOICE BILLING            | 40,000.00      | 75,871.50         | 87,290.50                       |                                |
| 203-0000-34960                 | ADVERTISING ON BUS REVENUE | 2,400.00       | 1,960.00          | 1,960.00                        |                                |
| CHARGES FOR SERVICES           |                            | 227,428.00     | 168,670.57        | 180,230.57                      | (47,197.43)                    |
| OTHER REVENUE                  |                            |                |                   |                                 |                                |
| 203-0000-36210                 | INTEREST INCOME            | 5,000.00       | 3,545.86          | 7,045.86                        |                                |
| OTHER REVENUE                  |                            | 5,000.00       | 3,545.86          | 7,045.86                        | 2,045.86                       |
| OTHER FINANCING SOURCES        |                            |                |                   |                                 |                                |
| 203-0000-39101                 | SALE OF ASSETS             | 5,000.00       | 0.00              | 0.00                            |                                |
| OTHER FINANCING SOURCES        |                            | 5,000.00       | 0.00              | 0.00                            | (5,000.00)                     |
| TOTAL REVENUES                 |                            | 1,691,118.00   | 1,645,747.26      | 1,644,119.12                    | (46,998.88)                    |
| Expenditures                   |                            |                |                   |                                 |                                |
| PERSONNEL SERVICES             |                            |                |                   |                                 |                                |
| 203-9000-41101                 | SALARY                     | 112,318.00     | 95,479.50         | 100,979.04                      |                                |
| 203-9000-41104                 | TEMPORARY                  | 0.00           | 9,569.45          | 10,439.84                       |                                |
| 203-9000-41121                 | PERA                       | 8,424.00       | 7,160.91          | 7,573.39                        |                                |
| 203-9000-41122                 | FICA                       | 6,964.00       | 6,659.82          | 7,057.66                        |                                |
| 203-9000-41123                 | MEDICARE                   | 1,629.00       | 1,557.54          | 1,650.60                        |                                |
| 203-9000-41131                 | HEALTH INSURANCE           | 12,055.58      | 10,088.80         | 10,088.80                       |                                |
| 203-9000-41133                 | LIFE INSURANCE             | 111.30         | 95.43             | 95.43                           |                                |
| 203-9000-41134                 | LTD INSURANCE              | 168.00         | 147.58            | 147.58                          |                                |
| 203-9000-41150                 | WORKERS COMP               | 783.00         | 637.40            | 637.40                          |                                |
| PERSONNEL SERVICES             |                            | 142,452.88     | 131,396.43        | 138,669.74                      | 3,783.14                       |
| SUPPLIES                       |                            |                |                   |                                 |                                |
| 203-9000-42200                 | OFFICE SUPPLIES            | 2,850.00       | 1,542.16          | 1,542.16                        |                                |
| 203-9000-42210                 | OPERATING SUPPLIES         | 0.00           | 514.58            | 514.58                          |                                |
| 203-9000-42212                 | MOTOR FUELS                | 111,629.00     | 68,876.00         | 72,384.27                       |                                |
| 203-9000-42220                 | REPAIR & MAINT             | 0.00           | 6,854.37          | 19,174.92                       |                                |
| SUPPLIES                       |                            | 114,479.00     | 77,787.11         | 93,615.93                       | 20,863.07                      |

REVENUE AND EXPENDITURE REPORT FOR CITY OF BRAINERD  
PERIOD ENDING 12/31/2024

|                                  |                             | 2024           | YTD BALANCE       | Estimated 2024                  | Estimated                      |
|----------------------------------|-----------------------------|----------------|-------------------|---------------------------------|--------------------------------|
| GL NUMBER                        | DESCRIPTION                 | AMENDED BUDGET | NORMAL (ABNORMAL) | Full Accrual<br>MnDOT Reporting | \$ Amount<br>Over/Under Budget |
| Fund 203 - TRANSIT FUND          |                             |                |                   |                                 |                                |
| SERVICES                         |                             |                |                   |                                 |                                |
| 203-9000-43300                   | PROFESSIONAL SERVICES       | 2,000.00       | 0.00              | 0.00                            |                                |
| 203-9000-43309                   | COMPUTER TECHINCAL SUPPORT  | 31,000.00      | 34,344.82         | 34,344.82                       |                                |
| 203-9000-43321                   | TELEPHONE                   | 600.00         | 597.72            | 597.72                          |                                |
| 203-9000-43322                   | POSTAGE                     | 300.00         | 483.92            | 483.92                          |                                |
| 203-9000-43330                   | PROFESSIONAL DEVELOPMENT    | 1,165.00       | 0.00              | 0.00                            |                                |
| 203-9000-43340                   | ADVERTISING/MARKETING       | 6,100.00       | 5,252.26          | 5,252.26                        |                                |
| 203-9000-43350                   | PRINTING/LEGAL PUBLICATION  | 2,900.00       | 3,078.98          | 3,078.98                        |                                |
| 203-9000-43361                   | INS - GENERAL LIABILITY     | 1,592.90       | 1,194.06          | 1,194.06                        |                                |
| 203-9000-43363                   | INS - AUTO                  | 10.13          | 274.36            | 274.36                          |                                |
| 203-9000-43365                   | INS - OTHER                 | 18.17          | 18.54             | 18.54                           |                                |
| 203-9000-43401                   | VEHICLE REPAIRS             | 110,035.00     | 120,628.67        | 120,628.67                      |                                |
| 203-9000-43410                   | RENTAL EXPENSE              | 13,443.00      | 13,443.00         | 13,443.00                       |                                |
| 203-9000-43430                   | MISCELLANEOUS               | 1,550.00       | 5,257.24          | 5,257.24                        |                                |
| 203-9000-43433                   | DUES & SUBSCRIPTIONS        | 1,090.00       | 1,605.00          | 1,605.00                        |                                |
| 203-9000-43440                   | TRANSIT SERVICE CONTRACT PY | 1,083,260.00   | 932,214.74        | 1,007,054.38                    |                                |
| 203-9000-44432                   | UNREIMURSEABLE EXPENSE      | 0.00           | 2,021.67          | 0.00                            |                                |
| SERVICES                         |                             | 1,255,064.20   | 1,120,414.98      | 1,193,232.95                    | 61,831.25                      |
| CAPITAL OUTLAY                   |                             |                |                   |                                 |                                |
| 203-9000-45550                   | CAPITAL - VEHICLES          | 114,904.00     | 114,904.00        | 114,904.00                      |                                |
| CAPITAL OUTLAY                   |                             | 114,904.00     | 114,904.00        | 114,904.00                      | 0.00                           |
| TOTAL EXPENDITURES               |                             | 1,626,900.08   | 1,444,502.52      | 1,540,422.62                    | 86,477.46                      |
| TOTAL REVENUES                   |                             | 1,691,118.00   | 1,645,747.26      | 1,644,119.12                    | (46,998.88)                    |
| TOTAL EXPENDITURES               |                             | 1,626,900.08   | 1,444,502.52      | 1,540,422.62                    | 86,477.46                      |
| NET OF REVENUES & EXPENDITURES   |                             | 64,217.92      | 201,244.74        | 103,696.50                      | 39,478.58                      |
| MnDOT Reserve 12/31/23           |                             |                |                   | 94,377.86                       |                                |
| Estimated MnDOT Reserve 12/31/24 |                             |                |                   | 222,682.36                      |                                |

Calculation of MnDOT

1,425,518.62

Contract Operating  
Costs



# Transportation Committee Agenda Request

**MEETING DATE:** January 23, 2025

**TITLE OF ITEM:** 2024 Year End Financial

**AGENDA:**

**ACTION REQUESTED:** Information Only

**SUBMITTED BY:** Mike Habighorst, Public Works  
Director

**DEPARTMENT:** Public Works

**PRESENTER:** Mike Habighorst, Public Works  
Director

**ESTIMATED TIME (MIN):** 5

**SUMMARY OF ISSUE:** 2024 Year End Financial Analysis

**ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:** N/A

**RECOMMENDED ACTION/MOTION:** Informational Only

**FINANCIAL IMPACT:** N/A



# MEMO

TO: TRANSPORTATION ADVISORY COMMITTEE (TAC)

FROM: PUBLIC WORKS DIRECTOR MIKE HABIGHORST

DATE: JANUARY 23, 2025

SUBJECT: YEAR-END FINANCIAL ANALYSIS AND SUMMARY

## 2024 SUMMARY

### Revenue

|           |                         |              |                            |
|-----------|-------------------------|--------------|----------------------------|
| Budgeted  | <u>Fare Box/Invoice</u> | <u>Other</u> | <u>State/Federal Grant</u> |
|           | \$225,028               | \$7,400      | \$1,385,670                |
| Estimated | <u>Fare Box/Invoice</u> | <u>Other</u> | <u>State/Federal Grant</u> |
|           | \$178,271               | \$9,006      | \$1,354,243                |

### Expenditures

#### Budgeted

|                  |                 |              |                      |                |                     |
|------------------|-----------------|--------------|----------------------|----------------|---------------------|
| <u>Personnel</u> | <u>Supplies</u> | <u>Fuels</u> | <u>Misc Services</u> | <u>Repairs</u> | <u>3PC Contract</u> |
| \$142,453        | \$2,850         | \$111,629    | \$61,769             | \$110,035      | \$1,083,260         |

#### Estimated

|                  |                 |              |                      |                |                     |
|------------------|-----------------|--------------|----------------------|----------------|---------------------|
| <u>Personnel</u> | <u>Supplies</u> | <u>Fuels</u> | <u>Misc Services</u> | <u>Repairs</u> | <u>3PC Contract</u> |
| \$138,670        | \$21,232        | \$72,384     | \$65,550             | \$120,629      | \$1,007,054         |
| -\$3,783         | +\$18,382       | -\$39,245    | +\$3,781             | +\$10,594      | -\$76,206           |

## Comments

Fuels – Mainly can be attributed to the discontinuation of Pine River service and considerable reduction of Crow Wing County service. These two account for a significant amount of fuel costs.

Repairs - The first portion of the year was difficult as many buses did not receive their necessary preventative maintenance, resulting in some large repairs. With the hiring of the 3PC manager, the contractor made significant improvements in their maintenance operations. This will remain a challenge with an aging fleet as we continue to have challenges with receiving new buses.

3PC Contract – Budgeted amount based on an estimate of savings realized by the discontinuation of Pine River, and reduction of Crow Wing County services.

## Total Estimated Revenue vs. Expenditures

Total Revenue = \$1,644,119

Total Expenditures = \$1,540,423

**Net = +\$103,697**

Original Budgeted Net = +\$64,218

**Difference = +\$39,479**

## Ridership

### Overall Transit

2023 Total Riders = 45,541

2024 Total Riders = 36,224 (-9,317, -20%)

### Brainerd Summary

2023 Total Riders = 31,863

2024 Total Riders = 27,845 (-4,018, -12%)

### Baxter Summary

2023 Total Riders = 5,694

2024 Total Riders = 6,742 (+1,048, +18%)

#### Crow Wing County Summary

2023 Total Riders = 7,374

2024 Total Riders = 1,637 (-5,737, -77%)

#### Summary of 2024

There were many factors that affected the transit system in 2024. Inflation continued to prove challenging as many costs continue to remain high and are still increasing for fuels and repairs, etc. It is likely that many of these costs will remain higher moving forward.

We also went through significant changes in late summer/early fall of 2023 which has affected the ridership in 2024. Pine River discontinued their service in July 2023. Crow Wing County reduced their service to twice-daily rides from Pequot Lakes and Crosby and included a large fare increase at the same time in 2023. Baxter increased fares and Brainerd increased fares twice in 2023. Ridership did have decreases, however this should be expected with the changes that occurred throughout the system between service reductions and fare increases. At the same time, in the 4<sup>th</sup> quarter of 2024 we did have increased daily ridership.

The first half of 2024 was again difficult for Blue Sky Transit's operations. We saw significant issues with call answer percentages, preventative maintenance, staff issues, and others. They hired an on-site manager in June. Since that time, call answered percentages went into the high 90's, vehicles were again receiving on-time preventative maintenance, and they were getting caught up with past maintenance put on hold, and staff some issues being addressed.

Combining all the factors that went into the year, it was an overall successful year. We ended 2024 with an estimated net of \$103,697. Month after month ridership continues to grow. We are seeing approximately 30 new customers each month. Service changes, increased fares, and improved operations all likely have contributed as significant factors in the successful year.



# Transportation Committee Agenda Request

**MEETING DATE:** January 23, 2025

**TITLE OF ITEM:** Americans With Disabilities Act Plan

**AGENDA:**

**ACTION REQUESTED:** Information Only

**SUBMITTED BY:** Mike Habighorst, Public Works  
Director

**DEPARTMENT:** Transit

**PRESENTER:** Mike Habighorst, Public Works  
Director

**ESTIMATED TIME (MIN):** 2 Minutes

**SUMMARY OF ISSUE:** Transit ADA Act Policy Plan required by MnDOT and FTA

**ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:** The ADA Act Policy Plan has been approved by City Council at the December 16th, 2024 City Council Meeting. This plan has been implemented by Transit and the third party contractor.

**RECOMMENDED ACTION/MOTION:** Informational Only

**FINANCIAL IMPACT:** None



**BRAINERD CROW WING  
PUBLIC TRANSIT**



## **AMERICANS WITH DISABILITIES ACT PLAN**

Including policies regarding General ADA Requirements, Reasonable Modifications,  
No Shows, and a Suspension Appeals Process

*for*

## **Brainerd & Crow Wing County Transit**

**Approved by:**

City of Brainerd City Council

**Date Approved:**

December 16, 2024

### **ADA Contact Information**

Name & Title: Crystal Gauthier, Transit Coordinator

Mailing Address: 501 Laurel St, Brainerd MN, 56401

Phone Number: 218-454-3429

Email Address: cgauthier@ci.brainerd.mn.us

### **Reasonable Modification Contact Information**

Title: Crystal Gauthier, Transit Coordinator

## I. Introduction and Purpose

The Americans with Disabilities Act of 1990 (ADA) requires that individuals with disabilities receive the same level of service as non-disabled individuals. Services that are “separate but equal” are not acceptable. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and any applicable state laws and regulations. Brainerd & Crow Wing County Transit operates a demand-response service and complies with ADA requirements with respect to such services.

### **ADA Policy Statement**

It is the policy of Brainerd & Crow Wing County Transit to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

**Goals:** Service is provided in a manner that meets the following goals:

1. Provides safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. Expedites the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
3. Accommodates a wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

**Applicability:** This policy applies to all transit system employees, services, facilities, and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

### **Definitions:**

*Disability:* With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

*Fixed Route Service:* Operates along a prescribed route according to a fixed (regular) schedule.

*Mobility Device:* A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

*Securement Area or Station:* A designated location for riders using wheelchairs, equipped with a securement system.

*Securement Device, Equipment or System:* Equipment used for securing wheelchairs against uncontrolled movement during transport.

*Service Animal:* Any guide dog, signal dog, or other animal that has been 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 hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

*Wheelchair:* A mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

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## **II. General Guidance and Procedures for Implementing Policy**

### **Recruitment and Employment**

As stated in the transit system's personnel policies, the agency is an Equal Opportunity Employer (EOE) and fully complies with ADA in its recruitment, hiring, and continued employment practices.

### **Facility and Vehicle Accessibility**

The transit system administrative facility, and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the State of Minnesota. If state requirements do not meet federal requirements, the federal ADA regulations prevail. All vehicles purchased for fixed route, route deviation, and demand responsive service will be accessible. Vehicles purchased for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities.

### **Certification of Equivalent Service – Appendix C to Part 37**

The Brainerd & Crow Wing County Transit certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

- (1) Response time;
- (2) Fares;

- (3) Geographic service area;
- (4) Hours and days of service;
- (5) Restrictions on trip purpose;
- (6) Availability of information and reservation capability; and
- (7) Constraints on capacity or service availability.

In accordance with 49 CFR 37.77, public entities operating demand responsive systems for the general public which receive financial assistance under 49 U.S.C. 5311 or 5307 must file this certification with the MnDOT OTAT before procuring any inaccessible vehicle. Such public entities not receiving FTA funds shall also file the certification with the MnDOT OTAT. This certification is valid for no longer than one year from its date of filing.

Crystal Gauthier

(Name of authorized official)

Transit Coordinator

(Title)

*Crystal Gauthier*

(Signature)

### Vehicle and Route Assignment

☒ All demand response vehicles operated by Brainerd & Crow Wing County Transit are accessible and persons with disabilities, including wheelchair users, can board any vehicle.

#### OR

☐ The demand response system of Brainerd & Crow Wing County Transit, when viewed in its entirety, is accessible. All trips by wheelchair users will be assigned to accessible vehicles. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. Trip denials will be tracked by whether or not a rider requires use of the lift or ramp, to monitor that service is not disproportionately denied to individuals with disabilities because an accessible vehicle is not available. Brainerd & Crow Wing County Transit provides demand response rural public transportation and provides equivalent service to individuals with disabilities, that is consistent with U.S. DOT ADA regulations under 49 CFR Part 37, Section 37.77. This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided other individuals with respect to:

- Response time
- Fares
- Geographic area of service
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservations capability
- Any constraints on capacity or availability

### **Maintenance of Accessible Features**

Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of Brainerd & Crow Wing County Transit provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection.

### **Inoperative Lifts and Ramps**

Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts will be removed from service and replaced with an accessible vehicle until the inoperative lift is repaired. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be (or is not) deployed manually, the transit agency will apply the policy for a vehicle with an inoperative lift.

### **Wheelchair Accommodation**

All accessible vehicles meet or exceed the requirements of 49 CFR Part 38.

Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), Brainerd & Crow Wing County Transit will transport the device (and its user).

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, transit agency personnel are not permitted to operate a passenger's wheelchair (i.e. a motorized wheelchair). The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

### **Boarding**

Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. Only a properly trained transit system employee can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

### **Wheelchair Securement**

☐ Brainerd & Crow Wing County Transit does not require that wheelchairs be secured on board the vehicle. However, the driver will secure a passenger's wheelchair if requested by the passenger.

**OR**

☒ Brainerd & Crow Wing County Transit requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair unless legitimate safety requirements cannot be met. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

Securement of wheelchairs is the responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Drivers will listen to and respect riders' instructions on how to secure their equipment. Drivers cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer. The rider may be in the best position to instruct the driver on how to properly secure their mobility device.

If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride in the vehicle.

Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

In cases where an individual using a wheelchair attempts to board and requires use of a securement location that is currently occupied by another passenger that is not using a wheelchair, the driver will ask that passenger to allow the individual using a wheelchair to use the securement position.

### **Seat Belt Usage**

When riding in a Brainerd & Crow Wing County Transit vehicle, seat belts and shoulder harnesses:

☐ are recommended but not required for passengers riding in their secured wheelchair. Based on the following exemption: *Provide in narrative and cite how an exemption would be allowable.*

### **OR**

☒ are required for ALL passengers. Seat belt requirement under Minnesota State Statutes 169.686, a properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by the driver and passengers. Brainerd & Crow Wing County Transit has available seatbelt extenders, should a passenger require or request.

### **Driver Assistance**

Drivers will make themselves available to assist individuals with disabilities and will assist upon request of the passenger. Drivers will assist a passenger with using the

vehicle ramp, lift and/or securement systems using the accessibility-related equipment and features on their vehicles. It is the policy of Brainerd & Crow Wing County Transit that all wheelchairs be secured by the 4-point floor system to anchor the wheelchair to the floor. It is mandatory that all passengers are secured with seat belts.

### **Use of Lift or Ramp by Individuals Not Using a Mobility Device**

The driver will deploy the lift or ramp for any individual, with or without a disability who is not using a mobility device to board or alight the vehicle upon request.

### **Accommodation of Other Mobility Devices**

Mobility devices that are not wheelchairs, but which are primarily designed for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift or ramp and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

### **Transfer to Fixed Seating**

All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, wheelchair users to transfer to fixed seating. No waivers are allowed to be required.

### **Accommodation of Portable Oxygen**

Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C.

### **Priority Seating**

With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating.

Priority seating for seniors and individuals with disabilities is to be designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that is currently occupied by another passenger, the driver will ask that passenger to move so as to allow the individual with a disability use of the priority seating. In cases where a wheelchair user requires the use of a securement location, the driver will ask any passenger (including other passengers with disabilities) to vacate the securement location.

### **Service Animals**

In compliance with 49 CFR Part 37, the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal but may ask only the following questions: if the animal is a service animal required because of a disability and what tasks the animal has been trained to perform. Brainerd & Crow Wing County Transit does not impose species or breed restrictions. However, any animal which is not under the passenger's control, or

which becomes a direct threat to the health or safety of other passengers may be restricted from riding.

Emotional support animals or “comfort animals” are not service animals within the context of the US DOT ADA regulations. *No pets are allowed on the bus unless they are contained in a pet carrier. Passengers must receive approval from the dispatcher, prior to transporting an animal on the bus. Use of a service animal by a person with a disability is not restricted.*

### **Alighting**

It is the responsibility of the driver to determine that the location for passenger alighting is safe. For drivers to determine safe locations for pick up and drop off, ramps and wheelchair paths must be clear of snow, ice, parked cars, trash and other obstructions. For fixed route and demand response services, the driver will allow a passenger who uses the lift or ramp to alight at any stop, unless the lift or ramp cannot be deployed, will be damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair and operate the lift or ramp to return the passenger to the ground level.

### **Staff Training**

All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly and respectfully assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

### **Rider Information**

All printed informational materials are made available in accessible formats upon request, for example, large print for individuals with low vision or audio for blind individuals, as well as accessible electronic formats.

*To request any transit information in an alternative accessible format please contact City Hall Administration at 218-828-2307, or email transit dispatch at [transit@ci.brainerd.mn.us](mailto:transit@ci.brainerd.mn.us).*

### **Personal Care Attendants**

Under the ADA, an agency cannot require a passenger to have a personal care attendant (PCA). If a PCA accompanies a passenger, the PCA will ride free of charge. A family member or friend is not considered a PCA, unless that individual is acting in that capacity.

### **Stop Announcements**

☒ Brainerd & Crow Wing County Transit does not operate a deviated-fixed route.

**OR**

☐ Brainerd & Crow Wing County Transit operates a deviated-fixed route service. As such, stop announcements and route identification announcements are made at transfer

points, major intersections, destination points, intervals along the route sufficient to orient passengers to their location, and any stop request as is required.

Systems that operate a deviated-fixed route will:

☐ Make stop announcements using an automated system but ensure that drivers are trained to make announcements in the case of system failures.

**OR**

☐ Train drivers to verbally make stop and route identification announcements in a clear and concise manner in order to adequately assist clients who may have a disability that prevents them from otherwise recognizing stops and/or routes.

### **Complaint Procedure**

All complaints of discrimination on the basis of disability will be forwarded to the Transit Coordinator for prompt and objective investigation. In addition, Brainerd & Crow Wing County Transit will submit all complaints received within 10 days, to the MnDOT Office of Transit and Active Transportation (OTAT) Compliance Coordinator, at which time further investigation occurs to determine the extent of the complaint and under which class. OTAT will provide the transit system with a written response to the complaint and any actions required, in a timely manner.

Brainerd & Crow Wing County Transit will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Internal corrective actions may include specialized training for staff, corrective processes or procedures, or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment.

Documentation of each complaint will be kept on file for a minimum of one year, and a summary of all complaints will be kept for at least five years. This meets DOT regulations that require FTA grantees to maintain all complaints of noncompliance with 49 CFR Part 27 for one year, and a record of all such complaints, which is permitted to be in summary form, for five years.

## **Reasonable Modification Policy**

The purpose of the reasonable modification policy is to ensure that Brainerd & Crow Wing County 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.

This policy applies to all safety-sensitive transportation vehicle operators including full, part time, casual/substitutes/seasonal, and those staff that may be required to operate the vehicle. 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.

Brainerd & Crow Wing County Transit is committed to providing equal access and opportunity to individuals with disabilities in all programs, services and activities. Brainerd & Crow Wing County Transit recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Brainerd & Crow Wing County 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. Brainerd & Crow Wing County Transit does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Brainerd & Crow Wing County Transit will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No 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 Brainerd & Crow Wing County Transit, or be subject to discrimination by Brainerd & Crow Wing County Transit.

A reasonable modification is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities. Brainerd & Crow Wing County Transit will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for 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 is able to fully use Brainerd & Crow Wing County Transit's service without the accommodation being made.
- ◆ Making the accommodation creates an undue financial burden on the transit system.

#### ELIGIBILITY CRITERIA

Brainerd & Crow Wing County Transit provides Curb to Curb Service, 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
- ◆ Has been regarded as having such impairment.

#### REQUESTS FOR REASONABLE MODIFICATION

Brainerd & Crow Wing County Transit shall make information about how to contact Brainerd & Crow Wing County Transit to make requests for reasonable modifications readily available to the public through its website, brochures, and other rider policy guidelines. Brainerd & Crow Wing County Transit shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe the modification to service needed in order to use the service. Door through Door services and/or the carrying or delivering of package(s) will not be considered a reasonable modification.
- b. Individuals requesting modifications are not required to use the term "reasonable modification" when making a request. Personnel at Brainerd & Crow Wing County Transit will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Brainerd & Crow Wing County Transit requests that individuals make such requests for modifications before Brainerd & Crow Wing County Transit is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance (e.g., because of a condition or barrier at the destination of a, route deviation, demand response, paratransit, or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with Brainerd & Crow Wing County Transit's management before making a determination 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, Brainerd & Crow Wing County Transit and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the Brainerd & Crow Wing County Transit must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

#### TIME FRAME FOR PROCESSING REQUESTS TO PROVIDE REASONABLE MODIFICATION

Brainerd & Crow Wing County Transit will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Brainerd & Crow Wing County Transit 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 Brainerd & Crow Wing County Transit determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. When adequate time is provided, this notice must be in writing in order to maintain the required information for reporting purposes. When granting a request is communicated orally Brainerd & Crow Wing County Transit will follow up in writing. 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, Brainerd & Crow Wing County 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.

#### DENIAL OF REASONABLE MODIFICATION REQUEST

As soon as Brainerd & Crow Wing County Transit determines that a request for reasonable accommodation will be denied, Brainerd & Crow Wing County Transit will communicate the basis for the decision immediately. When adequate time is provided, this notice will be in writing to the individual requesting the modification.

Any denial communicated orally will be followed up in writing. The explanation for the denial will clearly state:

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

#### COMPLAINT PROCESS

Brainerd & Crow Wing County Transit has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Brainerd & Crow Wing County Transit's website and will be provided to any individual where the Brainerd & Crow Wing County Transit has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, 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.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a Brainerd & Crow Wing County Transit's Reasonable Modification Complaint Form. Brainerd & Crow Wing County Transit investigates complaints received no more than 30 days after receipt. Brainerd & Crow Wing County Transit will process complaints that are complete. Brainerd & Crow Wing County Transit will work with MnDOT OTAT to determine resolution in the process. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Brainerd & Crow Wing County Transit may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Brainerd & Crow Wing County Transit.

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

After Brainerd & Crow Wing County Transit investigates the complaint and has consulted and received direction from MnDOT OTAT, a decision will be rendered in writing to the complainant. Brainerd & Crow Wing County Transit will issue either a Letter of Closure or Letter of Finding.

- ♦ **Letter of Finding** – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Brainerd & Crow Wing County Transit to address the complaint.
- ♦ **Letter of Closure** – This letter will explain why Brainerd & Crow Wing County 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 Brainerd & Crow Wing County Transit, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of Brainerd & Crow Wing County Transit. At any time, the complainant has the right to file a complaint directly with MnDOT, through their website complaint section, through the Motor Carrier website, or through the Ombudsman website.

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

Brainerd & Crow Wing County Transit shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Crystal Gauthier, Transit Coordinator  
Brainerd & Crow Wing County Transit  
501 Laurel St, Brainerd MN, 56401  
218-454-3429

#### RECORD RETENTION

Brainerd & Crow Wing County Transit will maintain all records related to reasonable modification requests and denials for at least three (3) years.

## **No Show Policy**

This policy is intended to address the actions by habitual abusers of service scheduling and provide clear protocols for addressing passengers who fail to show for their scheduled trip without properly canceling the trip. This policy is intended to address those repeat offenders, and not the occasional incident that may occur with some passengers.

### DEFINITIONS

No-show – Any passenger who is unavailable for pick-up of a scheduled trip that has not notified Brainerd & Crow Wing County Transit to cancel that trip. Trips in which passengers will not be picked up due to circumstances related to service will not be considered a no-show.

### NO-SHOW PROCEDURE

The transit operator will wait for passengers for 3 minutes beyond the pick-up time window of zero minutes before to twenty minutes after the scheduled pickup time. The transit operator will make reasonable attempts to locate the passenger. If the passenger cannot be located within the established 3 minutes, the transit operator must contact the Dispatcher with the no-show. Passengers who do not make themselves available within that window will be considered a no-show. The Dispatcher has the responsibility to determine if the transit operator is to continue without the passenger.

Upon permission to continue without the passenger, the transit operator is to record the arrival time, departure time, and vehicle mileage on the Daily Manifest.

Scheduled trips will be considered canceled if notice is given to dispatcher prior to the bus enroute for the trip thus allowing the vehicle to be rerouted for another rider. Any scheduled trip not cancelled within that window will be considered a no-show and will be logged as such. A no-show designation for a trip will be monitored to determine the habitual nature of no-shows associated with a passenger.

Exceptions may be made for passengers who are unduly delayed due to medical appointments or procedures and other circumstances beyond their control. The passenger will be required to contact Brainerd & Crow Wing County Transit as soon as practicable following the missed trip and a new driver will be dispatched as soon as possible if applicable.

### HABITUAL NO-SHOW PROCEDURE

Passengers who have 3 no-shows within 90 days will be provided a written warning for each no show. After 3 no shows in a period of 90 days from the date of the first no show, the individual can be subject to a suspension of service for up to 30 days.

All suspension periods will begin 2 weeks from the date of the suspension notice letter mailed to the passenger.

The length of a passenger's suspension will adhere to the progressive corrective action plan described as followed:

- First violation in 90 days: Verbal or Written Warning
- Second violation in 90 days: Verbal or Written Warning
- Third violation in 90 days: Written Suspension Warning
- Fourth violation in 90 days: Written Suspension Notice of up to 30 days suspension

All penalties imposed under this policy are first subject to an appeals process (see Suspension Appeals Process). Before any suspension, the potentially affected individual will receive written notice that transportation service will be suspended beginning fourteen (14) days from the date of notice. The individual will receive a copy of the appeals process that details passenger rights in this situation. The written notice of suspension will contain instructions and materials necessary to challenge or appeal the suspension decision.

Brainerd & Crow Wing County Transit will continue to serve passengers appealing pending suspensions until all appeals have been settled. For passengers who do not choose to appeal, suspensions will commence on the date specified in the written notice.

At no time will Brainerd & Crow Wing County Transit require, charge, or bill a passenger when they violate the No Show policy for the passenger trip or any penalties.

## **Suspension Due to Direct Threat to the Health or Safety of Others**

Americans with Disabilities Act (ADA): FTA C 4710.1 Circular Section 2.2.7, § 37.5(h) permits agencies to refuse service to individuals with disabilities if they engage in violent, seriously disruptive, or illegal conduct, or if they pose a direct threat to the health or safety of others.

### SERVICE DENIAL DUE TO RIDER CONDUCT

“It is not discrimination under this part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, an entity shall not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons” (§ 37.5(h)).

### DETERMINING A DIRECT THREAT

Brainerd & Crow Wing County Transit may refuse to transport individuals who pose a significant risk to the health or safety of others. The definition of “direct threat” is intended to be interpreted consistently with the parallel definition in the Department of Justice regulations. That is, Part 37 does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others. In determining whether an individual poses a direct threat to the health or safety of others, Brainerd & Crow Wing County Transit must make an individualized assessment, based on reasonable judgment, that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk, the probability that the potential injury will actually occur, and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk. Presuming certain conduct will occur based on specific disabilities is not appropriate. For example, it is incorrect to presume all riders with particular psychiatric disabilities will behave in a violent manner that constitutes a direct threat to others. The definition of direct threat refers to a direct threat to other individuals and not to the person with the disability.

### STEPS TO TAKE BEFORE REFUSING SERVICE

Before refusing service to an individual with a disability, Brainerd & Crow Wing County Transit will make reasonable attempts to resolve issues with riders or, if appropriate, caregivers or guardians. Brainerd & Crow Wing County Transit will document the incident or incidents leading to the service denial, substantiating how such an incident rises to the level of seriously disruptive or a direct threat.

Brainerd & Crow Wing County Transit will provide the rider with a written warning before denying service.

#### RIGHT OF INDIVIDUALS TO CONTEST SERVICE DENIALS

Access to public transit is a civil right and inherent in any civil right is the opportunity for due process. This means providing an individual who is denied service the opportunity to contest that decision, correct the situation, and resume service. Service refusals cannot be permanent unless an individual continues to pose a direct threat to the health or safety of others. Riders must have the opportunity to subsequently present information to Brainerd & Crow Wing County Transit, demonstrating that issues have been resolved or presenting options to mitigate any problems, to have service reinstated. This also means providing a rider required to travel with an attendant the opportunity to appeal such a requirement. As with service refusals, riders have the right to subsequently provide information demonstrating they have addressed Brainerd & Crow Wing County Transit's concerns and can now travel without an attendant or propose other solutions that permit them to travel on their own. Brainerd & Crow Wing County Transit will follow the approved Suspension Appeals Process provided in this policy.

## **Suspension Appeals Process**

A suspension may result from violations of passenger behavior rules, violation of the no-show policy, or for other inappropriate or disruptive behavior. Regardless of the reason for suspension, each passenger has a right to appeal the decision through an appeals process.

Appeals must be submitted in writing to Crystal Gauthier, Transit Coordinator, by mail at 501 Laurel St, Brainerd MN, 56401, or by email at [cgauthier@ci.brainerd.mn.us](mailto:cgauthier@ci.brainerd.mn.us) within 10 days of issuance/receipt of the determination letter. Written appeals must provide for the date of issue/incident and service suspension, circumstances involved in the issue/incident, passengers understanding of the suspension, suggested remedies passenger is offering in response to re-instatement of ridership. All passengers will be permitted to continue using service during the appeals process, unless it is established that the rider engaged in a violent, seriously disruptive, or illegal conduct, or if the rider poses a direct threat to the health or safety of others. Brainerd & Crow Wing County Transit management will inform all schedulers/dispatchers that the suspension is pending an appeal and to allow service to continue for the affected passenger. Brainerd & Crow Wing County Transit will provide all information to the MnDOT OTAT Compliance Coordinator for review and approval during the appeals process.

An Appeals Committee comprised of a mixture of the Transportation Advisory Committee, and transit personnel will review all applicable information from Brainerd & Crow Wing County Transit and the involved passenger. To maintain separation of function the individual(s) who made initial determination will not be involved in hearing/determining appeals outcome. All passengers will be offered the opportunity to speak directly with Committee members and/or the Transit Manager regarding the submitted appeal and/or circumstances that led the suspension and subsequent appeal. The Transportation Advisory Committee will either uphold or overturn the suspension. Following review by the Transportation Advisory Committee an individual may ask that the appeal be forwarded to the City Council or County Board. The City Council or County Board will make a determination on the validity of the suspension. All decisions of the City Council or County Board are final.

After a thorough review of all available information and testimony, the Appeals Committee will have 10 days in which to issue a recommendation to sustain or reverse the suspension. The Committee recommendation will be forwarded to the Transit Manager and/or the assigned personnel for final review and implementation.

The Brainerd & Crow Wing County Transit administration will have ten (10) days to issue a final suspension decision in writing to the passenger involved. All final decisions will be implemented within fourteen (14) days of passenger notification. The appeal process will be resolved within ten (10) days of receipt of appeal request.

All communications will be made available in alternate format upon request.

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## ***ADA Complaint Process***

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### **Background**

The Americans with Disabilities Act of 1990 (ADA), provides protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally funded program, service, or activity.

Brainerd & Crow Wing County Transit is committed to providing non-discriminatory service to ensure that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of its services by providing protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination as stated in the Americans with Disabilities Act of 1990 (ADA).

If you feel that you have been discriminated against, please provide the following necessary information to facilitate the processing of your complaint. If assistance is required to complete the form, or if you have questions, please do not hesitate to call the ADA Coordinator at 218-454-3429. **Once completed, return a signed and dated copy to:**

**Crystal Gauthier, Transit Coordinator  
501 Laurel St, Brainerd MN, 56401**

*Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please call 218-454-3429.*

# ADA Complaint Form

|                                                                                                                                                             |             |  |                   |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--|-------------------|----|
| <b>Section I:</b>                                                                                                                                           |             |  |                   |    |
| Name:                                                                                                                                                       |             |  |                   |    |
| Address:                                                                                                                                                    |             |  |                   |    |
| Telephone (Home/Cell):                                                                                                                                      |             |  | Telephone (Work): |    |
| Email:                                                                                                                                                      |             |  |                   |    |
| Do you require an accessible format?                                                                                                                        | Large Print |  | Audio Tape        |    |
|                                                                                                                                                             | TTY/TDD     |  | Other:            |    |
| <b>Section II:</b>                                                                                                                                          |             |  |                   |    |
| Are you filing this complaint on your own behalf? *                                                                                                         |             |  | Yes               | No |
| *If you answered "yes" to this question, go to Section III.                                                                                                 |             |  |                   |    |
| If not, please supply the name and relationship of the person for whom you are filing:                                                                      |             |  |                   |    |
| Have you obtained permission from this person?                                                                                                              |             |  | Yes               | No |
| <b>Section III:</b>                                                                                                                                         |             |  |                   |    |
| If you believe you were discriminated against based on a disability, please provide as much detail concerning the alleged discrimination.                   |             |  |                   |    |
| Date of Alleged Discrimination (Month, Day, Year): _____ Time: _____                                                                                        |             |  |                   |    |
| Transit Line/Route: _____ Vehicle ID or Name: _____ Location: _____                                                                                         |             |  |                   |    |
| Name(s) of Employee(s) involved: _____                                                                                                                      |             |  |                   |    |
| Explain as clearly as possible what happened and why you believe you were discriminated against. If more space is needed, please use the back of this form. |             |  |                   |    |
| _____                                                                                                                                                       |             |  |                   |    |
| _____                                                                                                                                                       |             |  |                   |    |
| _____                                                                                                                                                       |             |  |                   |    |
| _____                                                                                                                                                       |             |  |                   |    |

| Section IV                                                                                                        |                                               |    |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----|
| Have you previously filed an ADA complaint with this agency?                                                      | Yes                                           | No |
| Contact name:                                                                                                     | Telephone number:                             |    |
| Section V                                                                                                         |                                               |    |
| Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court? |                                               |    |
| <input type="checkbox"/> Yes <input type="checkbox"/> No                                                          |                                               |    |
| If yes, check all that apply:                                                                                     |                                               |    |
| <input type="checkbox"/> Federal Agency: _____                                                                    | <input type="checkbox"/> Federal Court: _____ |    |
| <input type="checkbox"/> State Agency: _____                                                                      | <input type="checkbox"/> State Court: _____   |    |
| <input type="checkbox"/> Local Agency: _____                                                                      | <input type="checkbox"/> Local Court: _____   |    |
| Please provide contact information for the person you spoke to at the above agency:                               |                                               |    |
| Name:                                                                                                             | Title:                                        |    |
| Agency:                                                                                                           |                                               |    |
| Address:                                                                                                          |                                               |    |
| Telephone:                                                                                                        |                                               |    |

**Important Notice:** To protect your rights, your complaint must be filed within 180 days following the date of the alleged discrimination. Failure to file within 180 days may result in dismissal of the complaint. You may attach any additional written materials or other information that you think is relevant to your complaint to this form.

Signature and date required below.

\_\_\_\_\_  
Signature of Person Filing Complaint

\_\_\_\_\_  
Date

If you need assistance completing this form, contact Brainerd & Crow Wing County Transit at 218-454-3429.

**Once completed, return a signed and dated copy to:**

**Crystal Gauthier, Transit Coordinator  
Brainerd & Crow Wing County Transit  
501 Laurel St, Brainerd MN, 56401**

# Reasonable Modification Complaint Process

Brainerd & Crow Wing County Transit investigates complaints received no more than 30 days after receipt. Brainerd & Crow Wing County Transit will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Brainerd & Crow Wing County Transit may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Brainerd & Crow Wing County Transit.

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

After Brainerd & Crow Wing County Transit investigates the complaint and has consulted and received directive from MnDOT OTAT, a decision will be rendered in writing to the complainant. Brainerd & Crow Wing County Transit will issue either a Letter of Closure or Letter of Finding.

- ◆ **Letter of Finding** – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Brainerd & Crow Wing County Transit to address the complaint.
- ◆ **Letter of Closure** – This letter will explain why Brainerd & Crow Wing County 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 Brainerd & Crow Wing County Transit, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of Brainerd & Crow Wing County Transit.

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

# Reasonable Modification Complaint Form

## Part I

Date: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Preferred contact method: ☐ Phone ☐ Email Best time to contact you: \_\_\_\_\_

Additional Formats Needed:

☐ None ☐ TDD ☐ Other  
☐ Large Print ☐ Audio Tape

## Part II

Are you filing this complaint on your own behalf?

☐ Yes – Proceed to Part III  
☐ No – Please provide the name of and your relationship with this person:

Name of Individual: \_\_\_\_\_

Your Relationship: \_\_\_\_\_

Please explain why you have filed for a third party:

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

Confirm:

☐ I have obtained permission of the aggrieved party to file this form on his or her behalf.  
☐ I have not confirmed permission to file this form on behalf of the aggrieved party.

## Part III.

If you believe you were not heard in your reasonable modification request or did not receive the services you requested, please provide as much detail concerning the incident. Brainerd & Crow Wing County Transit investigates complaints received no more than 30 days after receipt.

Date of incident (Month, Day, Year): \_\_\_\_\_ Time: \_\_\_\_\_

Name(s) \_\_\_\_\_ of \_\_\_\_\_ Employee(s) \_\_\_\_\_ involved:

☐ Through dispatching services

☐ Through operator request

Explain as clearly as possible what happened and why your reasonable modification request was not granted or did not receive the services you requested. If more space is needed, please use the back of this form.

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Signature and date required below.

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Signature of Person Filing Complaint

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Date

If you need assistance completing this form, contact Brainerd & Crow Wing County Transit at 218-454-3429.

**Once completed, return a signed and dated copy to:**

**Crystal Gauthier, Transit Coordinator  
Brainerd & Crow Wing County Transit  
501 Laurel St, Brainerd MN, 56401**



# Transportation Committee Agenda Request

**MEETING DATE:** January 23, 2025

**TITLE OF ITEM:** Recommend Authorize Solicitation of Request for Quotes (RFQ) for Technology (Transit Software) and after City of Brainerd City Council approval of quotes and purchase to implement software.

**AGENDA:**

**ACTION REQUESTED:** Approve/Deny Motion

**SUBMITTED BY:** Mike Habighorst, Public Works  
Director

**DEPARTMENT:** Transit

**PRESENTER:** Mike Habighorst, Public Works  
Director

**ESTIMATED TIME (MIN):** 5 Minutes

**SUMMARY OF ISSUE:** The current agreement with RouteMatch Software Inc. is dated back to 2014 and per MnDOT a new procurement for technology must be completed. MnDOT Consultants also concluded during our technology assessment that the highest priority is to replace RouteMatch. Transit has not been receiving support to utilize modules of the software which were contractually paid for with the annual subscription fees. As RouteMatch is no longer receiving updates from TripSpark they have informed us that we will not see any future improvements with the software or from their support services. This is causing dispatchers and drivers to perform manual routing, scheduling, and dispatching which causes delays in service negatively affecting our riders and staff. A new system is needed that meets Transit and the rider's needs. With the release of an RFQ for new scheduling/routing/dispatching software will provide us with a cloud-based platform with a self-serve, user friendly interface, reliable and optimized scheduling, and advanced reporting - all of which will provide a superior customer experience, reduce call volume, and assist us with increasing ridership for years to come.

**ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:** With the recommendation of TAC, the timeline for the RFQ, purchase and implementation of software is as follows:

1. TAC Committee RFQ recommendation brought to City Council on Monday, March 3rd, 2025.
2. RFQ posted, published and quotes received February 2025.
3. New transit software purchased and implementation in Spring of 2025.

**RECOMMENDED ACTION/MOTION:** Staff recommends approval for solicitation (RFQ), purchase and implementation for the Transit Technology Software.

**FINANCIAL IMPACT:** \$30,000 to \$50,000 from operation budget.



# Transportation Committee Agenda Request

**MEETING DATE:** January 23, 2025

**TITLE OF ITEM:** Staff Report

**AGENDA:**

**ACTION REQUESTED:** Information Only

**SUBMITTED BY:** Mike Habighorst, Public Works  
Director

**DEPARTMENT:** Transit

**PRESENTER:** Mike Habighorst, Public Works  
Director

**ESTIMATED TIME (MIN):** 2 Minutes

**SUMMARY OF ISSUE:** Transit attended Winter Wonderland at the Northland Arboretum on December 26th and 27th, 2024. Transit buses drove through the Christmas Light display with a full bus of riders and lots of holiday cheer. This is a new opportunity for Transit to provide public transportation to community events. Staff and riders were ecstatic about being able to attend the special event and look forward to participating in many upcoming events in the future.

Staff expect to receive the 2022 ordered bus in the next couple of months. Staff also received notice from MnDOT to proceed with ordering the 2024 capital bus. For the 2025 bus grant staff requested to purchase a van. This is the first time MnDOT has allowed rural transit agencies to purchase accessible vans using capital bus grant dollars.

Blue Sky Transit onsite operations manager, Shawn Williams, separated from employment with Blue Sky Transit effective January 16th, 2025. Mr. Williams was hired in June of 2024 and with his experience in transportation, maintenance and management he effectively put the operations on the right track and had it moving in the right direction. General Manager Kevin Pursey, Tom Thoemke, and a floating manager from Jefferson Lines will be filling in until a new onsite operations manager can be hired.

3 candidates were recently interviewed for the full-time Transit Operations Specialist position open since Summer of 2024. One candidate was chosen and has accepted the offer. HR is working with the candidate on the pre-employment process. A start date will be set soon. Part Time, temporary, Transit Operations Specialist Amy Christenson, who started in July 2024, has been a tremendous help on all responsibilities in the Transit Department.

Staff continue to monitor closely non-performance items by the contractor such as failure to accurately enter trip, failure to maintain adequate number of buses, failure to have an adequate number of properly trained drivers, and failure to provide necessary reports, information, and other require data.

Strict adherence to the terms and specifications of the awarded contract continues to be of the utmost importance for staff.

**ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:** N/A

**RECOMMENDED ACTION/MOTION:** Informational Only

**FINANCIAL IMPACT:** N/A