



## UMPQUA PUBLIC TRANSPORTATION DISTRICT

# UPTD Appeal Procedure

### Scope of Applicability

Umpqua Public Transportation District (UPTD) provides multiple types of public transportation services, including ADA Paratransit, Dial-A-Ride (DAR), and Fixed Route services.

This policy applies to all UPTD services, unless otherwise specified.

- ADA Paratransit Service is governed by the requirements of Federal Transit Administration regulations under the Americans with Disabilities Act (ADA), including specific protections related to service suspension, no-shows, and appeals.
- Dial-A-Ride (DAR) and Fixed Route services are general public transportation services and are not subject to ADA complementary paratransit suspension requirements; however, UPTD applies consistent conduct, safety, and misuse standards across all services to ensure safe and equitable operations.

UPTD reserves the right to apply service suspensions across one or more service types when a customer's conduct demonstrates a pattern of behavior that threatens the safety, integrity, or efficient operation of the transportation system.

Where provisions in this policy are specifically required by ADA regulations, they apply only to ADA Paratransit customers. All other provisions related to safety, conduct, and misuse apply to all UPTD riders regardless of service type.

Individuals found not eligible for UPTD paratransit service or eligible but with specified conditions, and UPTD customers whose service is suspended, may request an internal administrative appeal of those decisions. This document outlines the steps for requesting an appeal and the procedure governing the appeal process.

### Service Type Considerations

Service refusal may occur across all UPTD service types:

- For Fixed Route services, operators may refuse boarding or require a passenger to exit the vehicle when conduct meets the standards of violent, seriously disruptive, or illegal behavior.



## UMPQUA PUBLIC TRANSPORTATION DISTRICT

- For Dial-A-Ride (DAR) and Paratransit, service refusal may also include refusal to provide a scheduled trip when conditions at the pickup location or passenger behavior present a safety risk.

Repeated incidents across any service type shall be reviewed for potential system-wide suspension.

### **Requesting An Appeal**

#### **Applicability of Appeals**

The appeal process described in this document applies to:

- Individuals denied eligibility for ADA Paratransit service
- Individuals granted conditional eligibility
- Customers suspended from ADA Paratransit, Dial-A-Ride (DAR), or Fixed Route services

For suspensions involving ADA Paratransit, the appeal process shall comply with all applicable ADA requirements, including suspension stay provisions.

For suspensions involving DAR or Fixed Route services, UPTD will provide an appeal process consistent with principles of due process, though ADA-specific requirements (such as automatic stay provisions) may not apply unless otherwise stated.

Appeals may be requested in writing or by contacting UPTD for assistance submitting the appeal within sixty (60) days of the date that the customer receives the decision being appealed. For purposes of this requirement, UPTD assumes that the individual will have received the decision no later than five (5) days from the date the decision was mailed. The sixty-day appeal period begins to run on the sixth day following the date the decision was mailed.

Requests for appeals should be mailed to:

UPTD  
516 SE Jackson Street Roseburg,  
OR 97470

Or faxed to: 541-229-0036

Or called in to: 541-440-6500



## UMPQUA PUBLIC TRANSPORTATION DISTRICT

For persons with hearing or speech difficulties, call the Oregon Telecommunications Relay Service at (800) 735-2900 or 711.

UPTD staff is responsible for receiving requests for appeals of service suspensions. UPTD staff shall promptly advise the Appeals Panel of a request for an appeal hearing, shall coordinate an appeal date and time with the UPTD customer and the Appeals Panel, and shall reserve sufficient time for the hearing. UPTD staff shall notify the individual in writing or the alternative format requested of the date, time and location of the appeal hearing. If necessary, UPTD staff shall arrange for the individual to receive Paratransit transportation to and from the place of hearing.

### **Stay of Service Suspension Pending Appeal**

If a customer submits a timely appeal of a service suspension, the suspension will be stayed automatically pending the outcome of the appeal.

- The customer will continue to receive service during the appeal process, consistent with the type of service involved, unless an immediate suspension has been imposed due to exceptional conduct.
- No separate request for a stay or demonstration of good cause is required.

### **Exception**

UPTD may impose an immediate suspension of service prior to the outcome of an appeal only when the individual's conduct poses serious harm on another customer or a UPTD operator or employee, results in serious damage to UPTD property, or creates a direct and immediate threat to the health or safety of others.

In such cases:

- The customer will be provided prompt written notice of the suspension, and
- The opportunity to appeal will be expedited.

### **Appeal with Hearing**

#### **Prior to Hearing**

Customers may request copies of documents and information relating to the decision from which the customer is appealing. The Appeals Panel or its designee shall promptly consider and decide all requests for documents and information. Documents and information shall be provided if the documents or information are relevant to the decision being appealed or are likely to assist the Appeals Panel in deciding the appeal.



## UMPQA PUBLIC TRANSPORTATION DISTRICT

Customers may request the appearance as witnesses the UPTD personnel involved in the matter or have knowledge of information relevant to the matter. The Appeals Panel or its designee shall promptly consider and decide all requests for the appearance of witnesses, considering the witness's relevance to the decision being appealed or the likelihood that the witness will assist the Appeals Panel in deciding the appeal. The Appeals Panel or its designee shall notify the customer of its decision and of the availability of witnesses in advance of the hearing.

Customers may submit no later than three (3) days in advance of the appeal hearing written or alternative format arguments, evidence and any other information they wish the Appeals Panel to consider in advance of the hearing.

### **At Hearing**

Customers may represent themselves at hearing, or may be represented by an attorney, paralegal or legal assistant, caseworker, care provider, or any other person designated by the customer to present the customer's case.

The parties may present documents and witnesses, question the witnesses presented by each other, and offer other oral, written or recorded information to support their respective positions or to respond to each other's positions. UPTD shall present its position first, then the customer may present next. As required or appropriate, the parties shall be permitted to present additional documents and witnesses, or recall witnesses.

The Appeals Panel may for good cause continue a hearing or permit the post-hearing submission of additional evidence, information and arguments. If a continuance or post-hearing submission is permitted, the Appeals Panel shall within (3) three days advise the parties of the date, time and location of the continued hearing or the date by which the post-hearing submission must be received by the Appeals Panel.

The hearing shall be recorded.

### **Appeal without Hearing**

If the UPTD customer declines an in-person appeal hearing, UPTD staff shall inform the customer of the date by which the customer must submit to UPTD any written or alternative format materials the customer wishes the Appeals Panel to consider in determining the customer's appeal. Extensions of this date may be allowed for good cause.



## UMPQUA PUBLIC TRANSPORTATION DISTRICT

Following the submission date, the Appeals Panel shall review the customer's file and written submissions, if any, and decide the matter. The Appeals Panel may uphold the eligibility determination or service suspension, overturn the eligibility determination or service suspension, modify the eligibility determination or service suspension, impose conditions upon eligibility or returning the customer to service, or take any other appropriate action to decide the matter.

### **Evidentiary Burden and Standard**

UPTD shall have the burden of demonstrating that the individual's eligibility for paratransit service was appropriately determined or that the customer's service was suspended for appropriate cause and in accordance with the procedures for service suspension. This burden must be satisfied by a preponderance of all the evidence submitted in connection with the appeal or otherwise in the customer's record. The standard of admissibility for evidence and information presented in connection with an appeal shall be whether the evidence or information is of the type that a reasonable person would rely upon in making decisions about their personal affairs.

### **Notification of Decision**

The Appeals Panel shall notify the customer of its decision and the reasons for its decision in writing, within thirty (30) days of the date of the appeal hearing or, if the customer declined hearing, of the date on which the Appeals Panel reviewed and considered the matter.

If no decision is made on an appeal of eligibility determination within thirty (30) days of the date of the appeal hearing or date of appeals panel consideration, the individual will be eligible for UPTD paratransit service as of the 31st day, until and unless a decision otherwise is rendered by the Panel.

### **Appeals Panel**

To the extent practicable, Appeals Panel members shall not include individuals directly involved in the original decision being appealed.

The appeals panel shall consist of three members. As of April 2026, the three members shall be:

General Manager  
Umpqua Public Transportation District



**UMPQA PUBLIC TRANSPORTATION DISTRICT**

Operations Manager  
Umpqua Public Transportation District

Public Relations/ADA Specialist  
Umpqua Public Transportation District