

# **Aging, Disability and Transit Services of Rockingham County**

## **RCATS Transportation and the skat Bus**

### **Policy for Requesting and Receiving Reasonable Modifications**

#### **Purpose**

This document (herein referred to as “Reasonable Modifications Policy” sets forth the policy and procedures which Aging, Disability and Transit Services of Rockingham County (herein referred to as “ADTS”) will use to receive and act on requests for modifications of transportation policies and procedures (herein referred to as “Reasonable Modifications” or “RM’s”) made by people with disabilities in accordance with the Reasonable Modifications requirements of the Americans with Disabilities Act (ADA).

ADTS is committed to providing reasonable modification(s) to its deviated fixed-route bus, demand responsive and/or ADA paratransit operating policies, practices and/or procedures in order to ensure that its services, programs and facilities are accessible to and usable by individuals with disabilities.

#### **Reasonable Modification**

A reasonable modification is a change in ADTS’s service policies and practices in circumstances where established practices may prevent individuals with disabilities from accessing and participated fully in ADTS’s programs, services and facilities.

#### **Reasonable Employee**

ADTS’s Transit Director is responsible for implementing this policy and procedures within the transportation department.

#### **Policy Advertisement**

ADTS will provide a link to the full text of the RM policy and procedures on its two websites ([www.adtsrc.org](http://www.adtsrc.org) and [www.rideskat.org](http://www.rideskat.org) ). The policy includes information about how to make requests for reasonable modifications of its policies. A summary of the Reasonable Modification Policy also will be included in ADTS’s Policies and Procedures for Transit.

#### **Requesting a Reasonable Modification**

Individuals may request RMs by email, in writing or by phone. To facilitate this process, ADTS will make this policy and the Reasonable Modifications Request Form (Attachment A) available in hard copy upon request and on-line as an attachment to this policy link.

ADTS also will make this policy and the Reasonable Modifications Request Form available in the following alternate formats: Large print, electronic (Word or text file formats). This policy and the Reasonable Modifications Request Form will also be available in Spanish if requested.

- By Email--the customer must send a completed copy of the Reasonable Modification Request Form to ADTS at [modell@adtsrc.org](mailto:modell@adtsrc.org) along with any supplemental information required by this policy.
- In Writing--the customer must complete the Request Form and attach any supplemental information required by this policy. The completed form and all attachments should be mailed to: Transit Director, ADTS, PO Box 1915, Reidsville, NC 27323-1915.
- By Phone--the customer may request a Reasonable Modification by contacting ADTS at (336) 347-2287, Option 4, during standard ADTS business hours. Staff will either, email, fax or mail this policy and the Reasonable Modifications Request Form to the customer. Only if needed, staff will complete the form based upon the information provided by the customer.

## **Evaluating Requests**

Upon receipt of a Request for a Reasonable Modification, ADTS staff will evaluate each request as follows:

- Initial Review for completeness: Staff will review the information in the Reasonable Modifications Request Form and all supplemental documentation to ensure that the request is complete. If a request is incomplete, staff will follow up with the customer to advise him/her of the missing information. However, no action will be taken on the request until it is complete.
- When the request is complete, the Transit Director will review the request, in consultation with the Operations Manager/Dispatcher and other necessary staff of the agency in order to determine the best course of action. Within 5 business days, the Transit Director will decide either to:
  - Grant the modification requested by the customer
  - Deny the modification requested by the customer. If a customer is denied, consideration will be given to alternate approaches and/or modifications that will enable the customer to participate in the service(s) and/or benefit from the program(s).
  - Negotiate the request and offer an alternate modification. If a request is negotiated and an alternate modification is proposed, priority will be given to alternate modifications which provide services, programs and activities in the most integrated setting appropriate to the needs of individuals with disabilities.
- Because transit and paratransit systems have different types of fleets, different operating rules and operate in different areas, it is possible that a requested modification may be feasible for one provider but not for another. When communicating ADTS's final decision regarding the requested modification, the Transit Director will provide an explanation of any limitations placed on the extent to which a request can be fulfilled.

## **Factors to Consider in the Evaluation of Requests for Reasonable Modification**

The Transit Director and/or his/her designee will consider the following factors when reviewing and responding to Requests for Reasonable Modifications:

1. Does the requestor have a disability? Does the person requesting the modification have a disability? Is the disability “apparent”? (This might include using a mobility device, service animal, cane, etc.) If noted that the disability is not apparent, is adequate documentation of disability provided? (This might include some reasonable documentation forwarded by the requestor from a medical facility or physician). If the requestor has a disability, proceed. If not, the requested modification will be denied.
2. Is the requested modification necessary to enable nondiscriminatory use of the service? Consider the policy/procedure that the requestor has asked to have modified. Also consider the requestor’s disability and the stated reason for being unable to use the service in a nondiscriminatory manner. Does the current policy/procedure keep the requestor from using the service in a nondiscriminatory way because of the disability? Is the requestor unable to use the service in a nondiscriminatory way because of the current policy/procedure, or is the reasonable modification being requested as a convenience or personal preference? If the current policy/procedure does prevent nondiscriminatory use of the service, proceed. If not, the requested modification will be denied.
3. Would the requested modification fundamentally change the nature of the service, program or activity? If no, proceed. If yes, the modification will be denied.
4. Would implementation of the requested modification create a situation that would pose a direct threat to the health or safety of others? If no, proceed. If yes, the exact threat should be documented in writing and the modification should be denied. (Note that possible safety threats to the requestor cannot be used as a reason to deny the requested modification. However, if there are possible safety risks for the requestor, these should be clearly communicated to and acknowledged by the requestor before any modifications are made.)
5. Would implementation of the requested modification create an undue administrative or financial burden? This could be a burden to ADTS, a participating community or contractors providing the service. If no, proceed. If yes, the undue burden should be spelled out in detail, in writing, and the requested modification will be denied.

## **Examples of Reasonable Modifications**

The following list, developed by USDOT, provides examples of when reasonable modifications should generally be made. This list is intended only to provide examples and does not constitute an exhaustive list of the reasonable modifications that ADTS may provide, nor does the appearance of any reasonable modification on this list suggest or guarantee that ADTS can or will provide the modification in all circumstances.

- Stopping a deviated fixed route bus a short distance from the bus stop sign to allow a wheelchair user to avoid an obstacle, such as road construction, to boarding using the lift (assuming that the alternate location does not create an unsafe traffic situation).
- Permitting passengers to board a deviated fixed route or Demand Response vehicle separate from their mobility device in order to not exceed the weight-bearing load of the lift (assuming the rider can do so safely and the vehicle can bear the combined weight of the passenger and his/her mobility device).
- Having the vehicle operator wait with a Demand Response passenger at a transfer location until the connecting vehicle arrives, or providing a direct ride without transfer, if the passenger cannot be left unattended at a transfer location.

- At large facilities, such as malls and hospital complexes, Demand Response passengers who, because of a disability are unable to get to or from designated pick up and drop off locations, will be dropped off and/or picked up at requested entrances within the facility.
- For passengers whose disability prevents them from independently using the fare collection system on deviated fixed routes or Demand Response Vehicles, driver will assist with the handling of cash or fare media and with insertion of cash into the fare box, or with passing the ticket through the fare box. (This does NOT include reaching into passenger backpacks, pockets, etc.)
- Riders may eat, drink or take medicine on transit vehicles or in transit facilities when doing so is medically necessary for the rider's safety and is related to a documented disability.

### **Responding to Requests for Reasonable Modifications**

- The Transit Director (in consultation with those providers involved in a requested modification) will have five (5) business days to review and decide on each RM request.
- The Transit Director will have an additional five (5) business days to provide a final response to the customer

The response will be provided via email if the request was submitted via email, and by letter (USPS) if the request was made via telephone or letter. Appropriate alternative formats will be used if requested. Acknowledgement of receipt will be requested for all responses.

If a request is denied, or if an alternate modification is proposed, the response will detail the reasons of the denial. Requestors also will be informed of their right to appeal and how to initiate an appeal (see "Appeals").

### **Notice of Decision/Outcome**

The Transit Director will send a copy of the response to any participating providers to be disseminated as appropriate.

### **Amendment of Operating Procedure**

If a Request for a reasonable modification is granted, the appropriate Operations staff will prepare a new or amended operating procedure documents and distribute as appropriate. Reasonable modifications generally will be implemented in Operations within seven (7) calendar days, unless the Transit Director negotiates a longer timeframe with the customer. If a longer timeframe is needed, staff will inform the Transit Director and indicate a date by which the reasonable modification can be in place.

### **Records of Requests and Outcomes**

The Transit Director will maintain the following records for a period of not less than five (5) years:

- Copy of the completed Reasonable Modifications Request Form with all supplemental information
- Copy of the final decision as communicated to the customer
- Copy of any appeal with all the supplemental information and the final decision of the Appeals Panel
- Any other pertinent information garnered in connection with the request

## **Appeals**

If ADTS denies the requested Reasonable Modification, or in the event the customer does not agree with the modification offered by ADTS, the customer may appeal ADTS's decision. Requests for appeals must be made either by email, [modell@adtsrc.org](mailto:modell@adtsrc.org) or by sending a written request to: Transit Director, ADTS, PO Box 1915, Reidsville, NC 27323-1915.

A request for an appeal must be received no later than sixty (60) days after the date of ADTS's denial or offer of an alternate modification. After sixty (60) days, the customer must initiate a new Request for a Reasonable Modification.

Individuals will be given an opportunity to be heard in person and to bring advocates. If a customer chooses not to appear in person, he or she will be permitted to submit additional documentation.

Appeals will be heard by a Reasonable Modification Appeal Panel consisting of (1) a member of the Transit Department, (2) a member appointed by legal counsel, (3) a member of ADTS's Board of Directors, (4) ADTS's Executive Director and (5) ADTS's Human Resources Director. None of the members of the Reasonable Modification Appeal Panel will be directly involved in the original decision-making and outcome, or be in a direct line of authority with any of those who made the original determination.

Appeals will be scheduled as soon as is practicable but not more than thirty (30) days after the receipt of a written appeal request. The outcome of the appeal will be made in writing within thirty (30) calendar days of the date the appeal is heard. If an appeal upholds ADTS's original determination(s), the reasoning behind the outcome will be included in the written notification.

## **In Service Requests**

Individuals are encouraged to request Reasonable Modifications in advance of using the service whenever possible, and if the issue is known in advance. If issues with policies and procedures are encountered while using the service(s), individuals may make a request for a reasonable modification to the appropriate employee on-site (for example, the driver of the deviated fixed route bus or the Demand Response driver). The employee on-site will contact and inform dispatch of the request. Dispatch will provide direction as to whether or not to make the requested modification, and will document the request and any action(s) taken. Individuals are encouraged to make formal requests so that appropriate service(s) will be provided thereafter.

## **Training**

Within ninety (90) calendar days of the issuance of this policy and procedures, all transit and paratransit service operations management personnel will be provided with training regarding this policy and procedures.

Appropriate training regarding Reasonable Modification requests made “in-service” (or “On-site”) will be developed for all front-line personnel. This training will be incorporated into refresher and new hire training within ninety (90) additional calendar days.

**Attachment A**  
**ADTS Reasonable Modification Request Form**

Name of Rider: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: (336) \_\_\_\_\_

Email address: \_\_\_\_\_

If the request is being made by someone else on behalf of the rider, please provide name, relationship to the rider, and telephone number:

Advocate Name: \_\_\_\_\_

Relationship to Rider: \_\_\_\_\_

Telephone Number: (336) \_\_\_\_\_

1. Describe the rider's disability or disabilities.

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2. Describe the service policy or program that may need to be modified to allow the rider full access to the transit services provided.

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3. How does the current service policy or program prevent the rider from using the transit service or program?

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4. Please describe the specific modification to the current policy/procedure that you are requesting.

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5. How would you like ADTS to respond to your request?

☐ In writing to the address listed above

☐ By email to the address listed above

If future communications regarding this request are needed in an alternate format, please indicate the appropriate format below:

☐ Large Print (font size needed: \_\_\_\_\_)

☐ Spanish

**\*\*This form can be requested in large print or Spanish by calling (336) 349-2343; TTY Relay 711; or by emailing [modell@adtsrc.org](mailto:modell@adtsrc.org)**

Please send the completed form and any required documentation of disability to:

Transit Director  
ADTS  
PO Box 1915  
Reidsville, NC 27323-1915

Electronic versions of the completed form and scans of required documentation of disability should be sent to [modell@adtsrc.org](mailto:modell@adtsrc.org)

ADTS will provide a written response to your Request for a Reasonable Modification within seven (7) days of its receipt. To check on the status of the request, call ADTS at (336) 349-2343; TTY Relay 711.