



Procedures for Accommodating Reasonable Modification

Americans with Disabilities Act (ADA) Reasonable Modification

On March 13, 2015 as part of the Federal Register Vol. 80, No. 49 (80FR13253), the Federal Department of Transportation issued a Final Rule affecting 49 CFR Parts 27 and 37: Transportation for Individuals With Disabilities; Reasonable Modification of Policies and Practices. This final rule stemmed from a prior Notice of Proposed Rule Making (NPRM) issued February 27, 2006 (71 FR 9761). The purpose behind this final rule is, *"...specifically to provide that transportation entities are required to make reasonable modifications/accommodations to policies, practices, and procedures to avoid discrimination and ensure that their programs are accessible to individuals with disabilities."*

The modification requires Federal funding recipients must make reasonable accommodations in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability unless recipients can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, or activity or result in an undue financial and administrative burden. It is important to note, this requirement applies to both fixed-route and paratransit services.

SunLine Transit Agency (STA) Procedures for Accommodating Reasonable Modification

All requests for reasonable modification (fixed route, paratransit or facilities) will be processed in the following manner:

1. Information regarding the process for making reasonable modifications will be available on the STA website (www.sunline.org) as well as within the various printed materials normally provided by the agency (i.e. riders guides, notices).
2. The Reasonable Modification Request Point of Contact is assigned the Compliance Officer. Requests may also be reviewed by the Paratransit Senior Supervisor, Paratransit Lead Controller, Customer Service Supervisor, Chief Operating Officer, Superintendent of Transportation and CEO/General Manager.

3. Requests may be submitted via:

Reasonable Modification Officer
SunLine Transit Agency
32-505 Harry Oliver Trail, Thousand Palms, CA 92276
www.sunline.org or RMCoordinator@sunline.org
(800) 347-8628 or (760) 343-3456

4. All requests will be logged into a Reasonable Modification spreadsheet noting the requestor's name, date, contact information, specific modification request and the resolve.
5. Individuals requesting modifications:
 - a. are asked to describe what they need in order to use the service;
 - b. are not required to use the term "reasonable modification" when requesting modifications or accommodations;
 - c. when feasible, requests for modifications should be made in advance (i.e., during the paratransit eligibility process, through customer service inquiries);
 - d. due to the unpredictable nature of transportation, operating personnel may make a determination for modification is appropriate at that time of service—management may be consulted to grant/deny the request.
6. Information and direction regarding these procedures will be provided to agency staff who interact with the public; specifically, fixed route operators, shared ride operators, customer service representatives, dispatchers, and supervisors.
7. All reasonable modification requests will be acknowledged within three business days of receipt. The resolution and response will be made within 15 business days; the response will include an explanation for the determination. Additionally, the response will be documented in the Reasonable Modification log referencing the original request for modification. Any requests requiring more than 15 business days for resolution will be reviewed by the CEO/General Manager and documented as to why the determination requires additional time for full resolution.

Denial of Request for Modification

Requests for modification of STA's policy or practice may be denied only on one or more of the following grounds:

1. Granting the request would fundamentally alter the nature of STA's services, programs, or activities;
2. Granting the request would create a direct threat to the health or safety of others (including drivers and other passengers, but not including the requesting party);
3. Without the requested modification, the individual with a disability is able to fully use STA's services, programs, or activities for their intended purpose; or
4. In the case of recipients of Federal financial assistance, granting the request would cause an undue financial and administrative burden.

If STA denies a request for a reasonable modification, STA will take, to the maximum extent possible, any other actions (that would not result in a direct threat or fundamental alteration) to ensure the individual with a disability receives the services or benefit provided by STA.

Appeal/Complaint Response Procedures

1. Requests may be submitted via:
Reasonable Modification Officer
SunLine Transit Agency
32-505 Harry Oliver Trail, Thousand Palms, CA 92276
www.sunline.org or RMCoordinator@sunline.org
(800) 347-8628 or (760) 343-3456
2. All complaints will be logged into a reasonable Modification spreadsheet noting the complainant name, date, contact information and specific complaint being made as well as the original request for modification associated with the complaint.
3. All complaints will be reviewed by the Compliance Officer.
4. All complaints will be acknowledged within three business days of receipt. The resolution and response will be made within 15 business days; the response will include an explanation for the determination. Additionally, the response will be documented in the Reasonable Modification log referencing the original request for modification. Any requests requiring more than 15 business days for resolution will be reviewed by the CEO/General Manager and documented as to why the determination requires additional time for full resolution.

The responsibility of the Authority to make requested reasonable modifications is not without some limitations. There are four classes of situations in which a request may legitimately be denied: (1) granting the request would fundamentally alter the entity’s services, programs or activities; (2) granting the request would create a direct threat to the health or safety of others; (3) without the requested modification, the individual with a disability is able to fully use the entity’s services, programs or activities for their intended purpose; (4) is where granting the request would cause an undue financial and administrative burden. In the examples that follow, these limitations are taken into account. Note: the examples are neither exhaustive nor exclusive.

AM I REQUIRED TO GRANT THIS REQUEST?	
YES <i>unless granting the request (a) poses a direct threat (including resulting in a vehicle being left unattended or out of visual observation for a “lengthy” period of time, or (b) is a fundamental alteration of service</i>	NO <i>you have the option to deny</i>
<i>Getting On and Off the Vehicle & to the Door—Paratransit</i>	
Request to be picked up at the front of their home.	
Request for the driver to open an exterior entry door to a building to provide boarding and/or alighting assistance.	Request for “door-through-door” service (i.e., assisting the passenger past the door to the building).
Request for a driver to help navigate an incline (e.g., a driveway or sidewalk) with the passenger’s wheeled mobility device.	
Assistance in traversing a difficult sidewalk (e.g., one where tree roots have made the sidewalk impassible for a wheelchair).	
Assistance around obstacles (e.g., construction areas) between the vehicle and the door of a passenger’s origin or designation.	
Request to be assisted between an origin/destination and vehicle during extreme weather conditions.	
A passenger’s request for assistance means that the driver will need to leave passengers aboard a vehicle unattended (other than for an extended period of time or resulting in loss of the driver’s visual contact with the vehicle).	
<i>Getting On and Off the Vehicle & to the Door—Paratransit & Fixed Route</i>	
Wheelchair user requests to board a vehicle separately from his or her device when the occupied weight of the device exceeds the design load of the vehicle lift.	Except in emergency situations a passenger’s request for a driver to lift the passenger out of his or her mobility device should generally be denied.
	Request for a driver to assist with luggage or packages may be denied in those instances where it is not the normal policy or practice of the transportation agency to assist with luggage or packages.
<i>Positioning the Vehicle—Fixed Route</i>	
Position the vehicle to avoid obstructions to the passenger’s ability to enter or leave the vehicle at a designated stop location, such as parked cars, snow banks and construction.	Establish flag stop or route-deviation policy to avoid obstructions.

<i>Positioning the Vehicle—Paratransit</i>	
Pick up and drop off at the entrance requested by the passenger, rather than at the location that has been predetermined by the transportation agency.	
Pick up on private property with a security barrier. Yes, and operator should work with passenger to get permission of the property owner to access the private property.	Violate the law or lawful access restrictions to meet the passenger's requests to pick them up on property with a security barrier.
Request that a paratransit vehicle navigate to a pick-up point to which it is difficult to maneuver a vehicle but, not impossible or impracticable to access (e.g., it is unsafe for the vehicle and its occupants to get to the pick-up point without getting stuck or running off the road).	
<i>Fares—Paratransit and Fixed Route</i>	
Handle fare media when the passenger with a disability cannot pay the fare by the generally established means (e.g., in a situation where a bus passenger cannot reach or insert a fare into the farebox).	Reach into the pockets or backpacks in order to extract the fare media.
	Pay the fare for the passenger when the passenger cannot or refuses to pay the fare.
<i>Food, Medicine & Special Requests—Paratransit and Fixed Route</i>	
A passenger with diabetes or another medical condition requests to eat or drink aboard a vehicle or in a transit facility in order to avoid adverse health consequences.	Care for a service animal.
Allow individuals to take medicine including administering insulin injections and conducting finger stick blood glucose testing.	Provide medical assistance.
Request for Personal Care Attendant to travel with a passenger.	Request transportation agency provide a Personal Care Attendant.
Passenger requests a telephone call five minutes (or another reasonable interval) in advance or at time of vehicle arrival.	Request for a specific driver.
Provide otherwise-allowed assistance for a return trip regardless of whether the passenger needed it on the initial trip (e.g., reasonable modifications for a dialysis patient who just received treatment).	Request for service outside the service area or operating hours.
	Request for special equipment (e.g., the installation of specific hand rails or a front seat in a vehicle for the passenger to avoid nausea or back pain) can be denied so long as the requested equipment is not required by the ADA or FTA rules.
	Request for a dedicated vehicle (e.g., to avoid residual chemical odors) or a specific type or appearance of vehicle (e.g., a sedan rather than a van, in order to provide more comfortable service).
	Request for an exclusive paratransit trip.
	Request for a driver to make an intermediate stop that would disrupt schedules and inconvenience other passengers.

