

HOUSATONIC AREA REGIONAL TRANSIT

Reasonable Modification Policy

December, 2019

1. Background

On March 13, 2015, as part of the Federal Register Vol. 80, No. 49 (80FR13253), the Federal Department of Transportation (DOT) issued a Final Rule effecting 49 CFR Parts 27 and 37: Transportation for Individuals with Disabilities; Reasonable Modification of Policies and Practices. 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.”

2. Policy

Housatonic Area Regional Transit, “HARTransit” is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services, and activities. HARTransit recognizes that, in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. HARTransit 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. HARTransit 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. HARTransit will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of HARTransit, or be subject to discrimination by HARTransit.

3. Reasonable Modifications

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

- Making the accommodation would fundamentally alter the nature of the public transportation service. Making the accommodation would create a direct threat to the health or safety of other passengers.
- The individual with a disability is able to fully use HARTransit’s service without the accommodation being made.
- Where granting the request would cause an undue financial and administrative burden.

Given the above, examples of request for reasonable modifications that would not be honored include expanding the ADA hours of service or service area, asking fixed route buses to go off-route, requesting system-wide flag-stops, requesting drivers back down steep driveways, or asking for greater allowances for carry-on packages and parcels than passengers without disabilities.

4. Eligibility Criteria

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

5. Requests for Reasonable Modifications

HARTransit provides information about how to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines. HARTransit will follow these procedures when taking requests:

1. Individuals requesting modifications shall describe what they need in order to use the service.
2. Individuals requesting modifications are not required to use the term “reasonable modification” when making a request. Personnel at HARTransit will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
3. Whenever feasible, HARTransit requests that individuals make such requests for modifications before HARTransit is expected to provide the modified service.
4. 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 paratransit, demand response, 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 will consult with HARTransit’s management before making a determination to grant or deny the request.

Requests for accommodation can be submitted in any written format (i.e. letter, email). 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. The reasonable accommodation process begins as soon as the request for accommodation is made.

6. Interactive Process

When a request for accommodation is made, HARTransit will make every effort to engage in a good faith interactive process with the individual requesting an accommodation to determine

what, if any accommodation shall be provided. Communication will be a priority throughout the entire process. That communication will include information about the request, the process for determining whether an accommodation will be provided, and the potential accommodations.

7. Time Frame for Processing Requests and Providing Reasonable Modification

HARTransit will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. HARTransit recognizes, however, 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.

8. Granting a Reasonable Modification Request

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

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, HARTransit 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.

9. Denying a Reasonable Modification Request

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

1. specific reasons for the denial;
2. any alternative accommodation that may create the same access to transit services as requested by the individual; and
3. the opportunity to file a complaint relative to the HARTransit's decision on the request.

10. Complaint Process

The Director of Service Development, or his or her designee, as Complaints Resolution Officer (CRO) is responsible for response and follow through relative to comments from the public.

HARTransit will fully investigate any representations made by passengers or other members of the public and work towards the resolution of any apparent problems which may be the fault of the District. Any positive comments shall be relayed to the appropriate parties as soon as possible.

Complaint intake

Service Development staff has primary responsibility for initial contact with complainants and for initial write up of complaints. However, any staff member may be in a position to take comments, and should be prepared to do so.

All written comments, letters and e-mail correspondence should be directed to the CRO.

Staff should transcribe verbal comments to writing on the official HARTransit complaint form located in the company forms folder on the HARTransit admin fileserver. The staff member transcribing the complaint shall ensure that a copy is provided to the CRO and the Operations Manager. The form will automatically generate a numeric identifier for the complaint.

The CRO is responsible for the input of the complaint on the comment form status spreadsheet located in the company folder on the HARTransit Admin fileserver.

Complaint investigation

The Operations Department under the direction of the Operations Manager shall be responsible for investigating complaints against vehicle operators and schedulers. The Maintenance Manager shall be responsible for investigating complaints about vehicles and facilities. These staff shall contact complainants for more detailed information within 3 days of the initial complaint and complete and document their investigations with any suggested remedial actions within two weeks. Any relevant documentation should be returned to the CRO.

The CRO is responsible for ensuring that the investigation process is completed in a timely fashion via use of the comment form status spreadsheet and contact with the Operations or Maintenance Manager.

ADA and Title VI complaints

Any individual, group of individuals or entity that believes that she or he has been subjected to discrimination on the basis of race, color, or national origin during any program or activity administered by HARTransit or indirectly under a sub-recipient, consultant and /or contractor may file a written complaint to HARTransit's Title VI Coordinator. The Director of Service Development shall fulfill the duties of Title VI Coordinator. Complaint forms are available at the HARTransit Operations Facility. Further details of this process are included in the HARTransit Title VI plan.

In compliance with the Americans with Disabilities Act (ADA), HARTransit ensures its services, vehicles and facilities are accessible to and usable by individuals with disabilities. Anyone who believes that he or she has been discriminated against on the basis of disability may file an ADA complaint.

Complaints may be submitted by completing the online complaint form. If the complainant is unable to write a complaint, individuals may call or visit the office, or a representative may file on his or her behalf.

Recordkeeping

The CRO shall maintain a spreadsheet for each fiscal year that identifies complaints by category, employee and type of service. ADA and Title VI complaints shall be identified on the spreadsheet, even if the complainant did not explicitly state that the complaint was based on discrimination.

Completed complaints are returned to the CRO after investigation with a copy to the Operations Manager and filed in a binder by month and fiscal year and maintained indefinitely.

Responses to Complaints

Written responses shall be stored with the original complaint. If a response is verbal, the date at which follow up took place and by whom shall be noted on the comment form.

11.Designated Employee

HARTransit's designated official responsible for processing reasonable modification requests and handling complaints is:

Robert Yastremski
Operations Manager
Housatonic Area Regional Transit
62 Federal Road
Danbury, CT 06810
Phone (203) 744-4070 x156
Fax: (203) 744-0764

12.Record Retention

HARTransit will maintain all records related to reasonable modification requests and denials for at least three (3) years.

