

# HOUSATONIC AREA REGIONAL TRANSIT

## Reasonable Modification Policy

### December, 2023

#### 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**

[Complaint Policies](#)>