Sacramento Regional Transit District (SacRT)

Americans with Disabilities Act (ADA) Reasonable Modification Policy

**A. Background of Reasonable Modification Regulations**

On March 13, 2015, the Federal Department of Transportation issued a Final Rule modifying portions of 49 C.F.R Parts 27 and 37 to clarify that public transportation entities are required to make reasonable modifications/accommodations to their policies, practices, and procedures to ensure program accessibility

**B. Requirements**

1. Federal funding recipients must ***make reasonable accommodations*** in policies, practices, or procedures when necessary to avoid discrimination based on 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. This requirement applies to fixed-route, light rail, and paratransit services.
2. When considering changes to facilities or transportation services, entities must consider the most integrated setting appropriate for individuals with disabilities.
   1. However, entities can refuse to provide service to an individual that engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others.
   2. Entities cannot refuse to provide service to an individual with disabilities solely because the individual’s disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.
3. Transportation agencies must provide "Origin-to-destination service" for paratransit. *Origin-to-destination service* means providing service from a passenger’s origin to the passenger’s destination.

Under the definition adopted in 2015, ***a provider may provide ADA complementary paratransit in a curb-to-curb or door-to-door mode*;** however, for **curb-to-curb** service: a provider must provide assistance to those passengers who need assistance beyond the curb in order to use the service unless such assistance would result in a fundamental alteration of the service, or present a direct threat to the driver, other riders/individuals, or the paratransit vehicle.

SacRT currently provides ADA paratransit service in a **door-to-door** mode.

**C. Requests for Reasonable Modification and/or Accommodations**

**1. General**

SacRT provides an accessible means by which individuals with disabilities can request a reasonable modification and/or accommodation.  Whenever feasible, requests for modifications shall be made in advance before the requested modification is expected to be provided in service. SacRT acknowledges that, due to the unpredictable nature of transportation, some requests for a reasonable modification may be made while in transit. As such, Operations personnel will decide whether the modification should be provided at that time.

1. Information regarding requesting reasonable modifications is available on the SacRT website ([www.sacrt.com](http://www.sacrt.com)).
2. Individuals requesting modifications will be asked to supply sufficient detail within the request so that SacRT staff may effectively evaluate the request. Individuals are not required to use the term “reasonable modification” when requesting modifications or accommodations. (See Examples in Attachment A)
3. SacRT has designated the ADA Compliance Officer as the employee responsible for ensuring compliance with this policy and for administering the prompt and equitable resolution of any related complaints. The ADA Compliance Officer will summarize the results of its decision and provide a response to the requestor within 5 business days from receipt of the complete Request. The response will include the original request, summary of relevant analysis, and SacRT’s final determination along with the right to appeal and process for doing so. SacRT’s final determination will be issued in an accessible form of communication and may include the issuance of a letter for the Requestor that can be displayed to mitigate confusion (e.g., to show to drivers, supervisors, transit police, etc.). If a Request is denied, in whole or in part, SacRT will recommend any pertinent alternative modifications to the Requestor.
4. Some requests for reasonable accommodations may be submitted during the paratransit eligibility process or through other customer service inquiries, and as such, operating personnel are trained and are empowered to determine whether the request should be granted at the time of the request or whether the request needs to be escalated to operations/SacRT management before deciding to grant or deny the request.

**2. Advance Requests**

Reasonable modifications can be made for any passenger upon request through email, online, in writing or by phone. These are changes meant to make SacRT’s fixed-route bus, light rail and/or ADA paratransit service policies and practices more accessible for those with disabilities.

**Online**: Passengers have the option to fill out the online request form or request a hardcopy, which includes alternate formats such as large print, braille, audio and electronic (Word or text file formats) and foreign languages.

(<https://sacrtredesign.exemplifi.io/wp-content/uploads/SacRT_ADA_Reasonable_Modification_Request-Form.docx>)

**By Email**: A passenger may send a completed copy of the online request form or hard copy form to SacRT at [accessible@sacrt.com](mailto:paratransit@sacrt.com) along with any supplemental information required by this policy. Responses to requests submitted via email will be sent via email.

**In Writing**: A completed form (Word or Adobe) and all attachments can be mailed to: ADA Compliance Officer, Accessible Services Department, P. O. Box 2110, Sacramento, CA 95812-2110. Responses to requests submitted via US mail will be sent by letter.

**By Phone**: A passenger may request a reasonable modification by contacting the ADA Compliance Officer in Accessible Services at 916-557-4685-. Customers may also contact Customer Advocacy at 916-557-Staff will complete the online form for the passenger by phone based on information provided by the passenger. Responses to phone requests will be sent by letter.

**Response Time**: Sacramento Regional Transit District will have five (5) business days from receipt of the request to review and decide on each request. Sacramento Regional Transit District will have an additional five (5) business days to provide a final response to the passenger.

1. **Same Day Requests**

When a request for modification cannot practicably be made and determined in advance, a passenger may make a request on the same day, at the time of, or during service.

1. Requests must be made to the operator of the public transit vehicle, describing in detail the required accommodation and why it is necessary to use the service.
2. Operators may grant a request if it is reasonable and meets the requirements of SacRT’s policy.
3. If an Operator is unsure if the request can be granted or declined, they are required to consult with Bus or Light Rail Operations, or SacRT GO to receive direction.
4. Operator availability may be very limited when providing service. If the request would require extended consideration, SacRT may not be able to grant the request immediately, and the passenger may be encouraged to submit a written request for further consideration in future trips.

**D. Denying Request for Modification**

Requests for modification of SacRT’s policies and practices may be denied only on one or more of the following grounds:

1. Granting the request would fundamentally alter the nature of SacRT’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 can fully use SacRT’s services, programs, or activities for their intended purpose; or
4. Granting the request would cause an undue financial and administrative burden.

SacRT’s ability to grant the requested modifications may vary by route, day of travel, time of day, or other circumstances. For example, while a request may be able to be granted in one instance, that same request may be denied in another instance if granting the request would fundamentally alter the nature of the service or create a safety threat, or if the request is not a functional necessity.

If SacRT denies a request for a reasonable modification, SacRT shall take, to the maximum extent possible, any other actions (that would not result in a direct threat or fundamental alteration) to ensure that the individual with a disability receives the services or benefit provided by SacRT. Passengers may appeal the denial of the request in accordance with the *SacRT Notice and Grievance Procedure for Complaints of Discrimination Based on Disability*

(<https://sacrtredesign.exemplifi.io/wp-content/uploads/Notice-and-Grievance-Procedure-for-Complaints.pdf>)

**ATTACHMENT A**

**Examples**

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| **AM I REQUIRED TO GRANT THIS REQUEST?** | |
| **Generally YES, 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*** | **NO** |
| ***Getting On and Off the Vehicle & to the Door: Paratransit*** | |
| Request to be picked up at the front door 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 destination. |  |
| 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). |  |

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| ***Getting On and Off the Vehicle & to the Door: Paratransit & Fixed Route*** | |
| 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. |  |
|  | 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. |
|  | 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. |
| ***Positioning the Vehicle: Fixed Route*** | |
| 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 policies to avoid obstructions. |
| ***Positioning the Vehicle: Paratransit*** | |
| Pick up and drop off at the entrance requested by the passenger, rather than at a 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 private 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). | Request exposes the vehicle and its occupants to hazards, such as running off the road, getting stuck, striking overhead objects, or reversing the vehicle down a narrow alley. |
| ***Fares: Paratransit and Fixed Route*** | |
| 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 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. |

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| ***Food, Medicine & Special Requests: Paratransit and Fixed Route*** | |
| 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. |  |
| Allow individuals to take medicine including administering insulin injections and conducting finger stick blood glucose testing. | Provide medical assistance. |
|  | Request for service outside the service area or operating hours. |
| Request for Personal Care Attendant to travel with a passenger. | Request that a transportation agency provide a Personal Care Attendant. |
|  | Care for a service animal. |
|  | 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). |  |
| Passenger requests a telephone call 5 minutes (or another reasonable interval) in advance or at time of vehicle arrival. |  |
|  | Request for special equipment (*e.g.,* the  installation of specific handrails 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 DOT 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, 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. |