

TACT 139: Reasonable Modification Practices



- Policy:** Town and Country Transit (TACT) will implement and follow the practices pertaining to reasonable modification of policies and procedures with respect to transportation-related requests from persons with disabilities.
- Purpose:** Federal regulations require transit agencies to make reasonable modifications to policies, practices and procedures to avoid discrimination and ensure that their programs are accessible to persons with disabilities.
- Scope:** Reasonable modification applies to transit agency's policies, practices and procedures, not the regulatory requirements contained in 49 CFR parts 27, 37, 38 and 39.

Background: Effective July 13, 2015 the Office of the Secretary, US Department of Transportation (USDOT) issued a final rule intended to bring USDOT regulations in line with §504, Air Carrier Act; passenger vessel regulations; and Department of Justice Americans with Disabilities regulations.

Definitions: *Reasonable:* fair and sensible; not extreme or excessive; possessing sound judgment.

Modification: the act or process of changing parts of something. Examples of reasonable modification would be having a driver assist a passenger with a disability in depositing money or tickets in the farebox, although policy prohibits drivers from handling fares; permitting a passenger with a medical condition to eat or drink in order to avoid adverse health consequences; picking up a passenger at a specific building entrance, providing it is safe to do so; having a driver pull up a reasonable distance from an obstructed bus stop; or assisting a passenger during extreme weather, as long as providing assistance doesn't violate existing safety practices.

Fundamental alteration: a change so significant that it alters the nature of the service. Examples of fundamental alteration include requests for exclusive rides; providing service beyond established service hours; or providing trips to destinations outside the established service area. Additional examples include requests for drivers to stay with unattended passengers; or performing functions usually provided by personal care assistants, such as carrying packages.

Direct threat: a significant risk to the health or safety of others, a clear and present danger. Examples include exposing vehicles to hazards by doing something unsafe, such as driving in reverse down a narrow alley; driving under low clearances (Entrance "E" at ACMH Hospital, Country Manor Personal Care Home); or leaving a vehicle unattended for a lengthy period of time, especially when weather conditions dictate that the vehicle be left running for passengers' comfort.

Not needed: without the requested modification, a person with a disability would be fully able to use TACT's services and programs for their intended purposes. Examples are requests for a specific driver; or requests for a specific vehicle when there is no necessity to use a specific vehicle (some passengers only want to ride in a "new" vehicle).

Undue burden: depending on the facts and circumstances of each individual case, the requested accommodation may be unreasonable based on more than one principle. An example would be a passenger requesting to not ride with a particular passenger. Note: TACT scheduling software is designed to group passenger trips in the most efficient method possible, without regard for individual passenger preferences.

Origin-to-destination service: Providing service from a passenger's origin to the passenger's destination. When an agency chooses curb-to-curb as its primary means of providing service, it 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 or direct threat.

Procedure: As there is no new requirement for separate tracking of reasonable modification requests, TACT will utilize the procedures established in *TACT*

126, ADA Complementary Paratransit Customer Complaint Policy in dealing with requests for modification of existing service. However, any instance where requests are handled outside the procedures in TACT 126 should be documented separately.

USDOT has stated that dealing with reasonable modification requests is not intended to be an onerous process; assumes that existing processes will be used; that the processes will be operated in good faith, with documented responses to reasonable modification requests; and that the agency will promptly communicate responses to requests for reasonable modification.

USDOT intends decisions on individual requests for modification to be addressed at the local level, although USDOT agencies retain the authority to review an agency's process as part of normal program oversight.

Revision History:

Revision	Date	Description of changes	Requested By
0.0	10/18/2017	Initial Release	Patti Lynn Baker General Manager
1.0	07/01/2019	Update logo, font, formatting	Tiffany Chaffee Operations Manager
2.0	06/14/2023	Update logo, font, formatting	Patti Lynn Johnston Executive Director