



“How can I assist you?”
Reasonable Modification to Policy Considerations

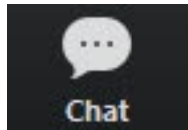
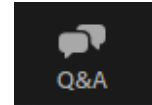
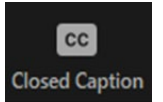
NADTC Office Hours

2-3 PM EDT | July 27, 2022



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National Aging & Disability Transportation Center

Our Mission:

To promote the availability of accessible transportation options that serve the needs of Older Adults, People with Disabilities, Caregivers and Communities.



National Aging & Disability Transportation Center

What We Provide:

- Technical Assistance & Training
- Publications & Resources
- Partnership Coordination
- Community Grants and Coalitions



Ken Thompson

National Aging and Disability Transportation Center
Technical Assistance Director

Important Reminder

- NADTC strives to provide accurate information on the Americans with Disabilities Act (ADA).
- What we provide is technical assistance and not legal advice.
- The information presented in this session is neither a determination of legal rights or responsibilities under the ADA or any other law.
- The information presented is to be used as informal guidance and views expressed are the opinions of the speaker.

The ADA

- The Americans with Disabilities Act (ADA) applies to both public and private ground transportation providers. The ADA rules that apply to transportation are regulated by the U.S. Department of Transportation.
- There are specific requirements for private providers like shuttles, private buses, and taxis.



What is Reasonable Modification to Policies and Practices?

- 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 (such as transportation).
- Must be provided unless it would fundamentally alter the nature of the service, program, or activity or result in an undue financial and administrative burden” (§ 27.7(e)).

Reasonable Modification to Policy

- Applies to fixed-route, demand responsive, private shuttles, and complementary paratransit
- Requires a local process to be set by the transportation provider
- Is most likely something many providers do in some form, already

DOT Final Rule for Reasonable Modification

- Effective July 13, 2015
- Final Rule effecting 49 CFR Parts 27 and 37: Transportation for Individuals with Disabilities; Reasonable Modification of Policies and Practices.
- 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.

Appendix E of the Final Rule is Helpful

- Lists examples and typical situations
- Providers must make their own determinations
- Examples provides some general guidance

Reasonable Modification Statement

A general statement representing your position on providing reasonable modification is valuable for your agency and riders:

“We provide reasonable modification of policy and practice upon request to ensure that our transportation services are accessible to people with disabilities.”

Place it on websites, eligibility applications, public documents and meeting materials.

Must be Made Unless Doing So

- Would fundamentally alter the nature of the program, service, or activity
- Would result in a direct threat to the health or safety of others

Or ...

- 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.

Fundamental Alteration of Service

- A modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.
- A decision must explain and demonstrate that the modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification.

Case-by-Case Basis for Decision

- Reasonable modifications are made on a case-by-case basis through an interactive process.
- Responsive communication is key to discuss what a rider needs.
- It's about filling in the gaps of accessibility with good customer service flexibility.
- Consider, “How may I assist you?”, in your perspective and discussion.

Process Guidance

- Review and track all requests for reasonable modification to ensure transportation is accessible.
- Appoint a single lead staff person: ADA Coordinator or accessibility manager
- Formal process for tracking requests
- Formal process for responding to requests

Complaint Procedure

- Adopt complaint procedures that provide prompt and equitable resolution
- Use an interactive process
- Maintain a record of follow-up communication
- Maintain a copy of all complaints for 1 year
- Maintain a summary of complaints for 5 years (spreadsheet with details and resolution)



Reasonable Modification to Policy Questions

- Ask a question.
- Put your questions in the Q & A section.
- Chat is open and can be used for general comments, or technical assistance.



FTA ADA Circular

- **ADA Circular**
- [Americans with Disabilities Act: Guidance](#) (PDF)
- [Americans with Disabilities Act: Guidance](#) (Word version)

Resources

TCRP Synthesis 142-Implementing the U.S. DOT Reasonable Modification Rule

- <http://www.trb.org/Publications/Blurbs/179001.aspx>

NADTC Trends Report Topic Spotlight: ADA Complaint Process

- Link to page, <https://www.nadtc.org/resources-publications/resource/2017-trends-report-topic-spotlight-ada-complaint-process/>

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