

<b><i>Transportation for Individuals with Disabilities; VTA Reasonable Modification Policy and Procedure</i></b>	<b>POLICY</b>	
	<b>Document Number:</b>	OPS-PL-0060
	<b>Version Number:</b>	01

### **1.0 Purpose:**

Effective on July 13, 2015, the US Department of Transportation's Americans with Disabilities Act final rule regarding Transportation for Individuals with Disabilities; Reasonable Modification of Policies and Practices requires that transit providers make reasonable modifications to their operating rules and procedures to further ensure that services are accessible to persons with disabilities (*see Federal Register/Vol. 80, No. 49 (80 FR 13253, March 13, 2015. The Federal Transit Administration's Circular FTA C 4710.1 further explains the final rule at §2.10 & §2.11).*

This policy incorporates VTA's operating rules and regulations with the US Department of Transportation's Americans with Disabilities Act reasonable modification final rule, thereby broadening access to VTA's buses, light rail vehicles, and paratransit services to persons with disabilities.

### **2.0 Scope:**

VTA and its contractors shall be responsible for making modifications/accommodations to operating rules, policies, and procedures when necessary and appropriate to allow individuals with disabilities to use VTA bus, light rail, shuttle, or paratransit services.

### **3.0 Responsibilities:**

3..1 Coach Operators, Light Rail Operators, Fare Inspectors, Field Supervisors, Transit Patrol Deputies, and VTA Security staff may encounter the following examples of reasonable accommodation requests. This list is not exclusive as there may be other requests for policy, rule, or procedure modifications, not foreseen, that will need to be accommodated.

3.1.A Fare handling assistance, upon request, shall be provided (Coach Operator Rule Book 7.11). *The Operator shall not reach into a passenger's wallet, purse, baggage, or clothing to obtain the money or fare media to assist with fare handling.*

3.1.B Passengers eating and drinking on-board a transit vehicle to avoid an adverse medical situation. (Coach Operator Rule Book 8.12; see VTA Ordinance 98.1 Sec 4 (b) 7)

3.1.C Passengers self-administering medicine on-board a transit vehicle (Coach Operator Rule Book 8.13). *The Operator shall not assist the passenger administer the medication. Passengers are responsible for the disposal of their medical materials and shall not discard any medical material (sharps, syringes, test strips, medicine, or other related items) on-board a transit vehicle or in a trash receptacle at a transit facility (light rail platform, customer service center, transit center, bus stop or shelter).*

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3.1.D Passengers may board separately from their mobility devices (Coach Operator Rule Book 8.9.1). *The Operator shall not assist with the operation of the mobility device.*

3.1.E Coaches shall be positioned at or near a coach stop to avoid obstacles as necessary or upon request when the Operator determines that it is safe to do so (Coach Operator Rule Book 5.16).

For further guidance, operators shall contact VTA's Operations Control Center if they are not able to provide a requested accommodation. No additional data recording is needed for the provision of reasonable modifications.

### 3.2 Field Supervisors

3.2.A Shall support Operators in determining if a requested reasonable modification/accommodation can be met.

3.2.B Shall interact with passengers to ensure that they are able to use VTA services through making reasonable modification decisions or by determining alternative approaches that provide the requested accessibility.

### 3.3 Customer Service/ISR Staff

3.2.A VTA Customer Service/ISR Staff shall enter customer requests for policy, procedural, or rule modifications in the Customer Service feedback tracking system. These requests will be identified as Reasonable Modification Requests. The requests will be forwarded to Customer Service Management/Supervisory staff.

3.2.B If VTA Customer Service/ISR Staff receive a customer complaint about a denial of a request for policy, procedural, or rule modification while using VTA services, the complaint will be entered into the Customer Service feedback tracking system and marked as a reasonable modification request denial.

### 3.4 Customer Service Management

3.4.A Customer Service Management staff shall forward customer requests for policy, procedural, or rule modifications to appropriate VTA staff. Customer Service Management will record the request's resolution in the Customer Service database per direction from responsible VTA staff.

3.4.B Customer Service Management staff shall request a CCTV data-pack video of a reported denial of a reasonable modification request. The customer's report of the denial with information about the respective incident data pack will be forwarded to VTA's ADA Coordinator. CCTV data-pack video may be requested up to 14 days after a reported event by completing a Protective Services CCTV Data-Pack request form at:

<http://thehub.vta.org/divisions/protectiveservices/Documents/Forms>.

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### 3.5 Responsible VTA Staff

Responsible VTA staff will have 14 calendar days from the date of the request to make a determination regarding the customer's request.

3.5.A If the request is approved, customers will be notified in writing.

3.5.B If the request is denied, the staff member who made the decision will provide, in writing, the reason for the denial and provide an alternative, if possible.

3.5.C If the customer disagrees with the denial or the offered alternative, the customer can appeal. VTA's denial notice will include the customer's reference number and advise the customer that they will have 21 calendar days from the date of the denial notice to appeal to VTA's ADA Coordinator, in writing or by calling the customer service center. Customers should use their reference number when filing an appeal.

### 3.6 ADA Coordinator

The ADA Coordinator will review the customer's appeal and will prepare a packet for an Appeals Review Committee (ARC) to consider. The appeal packet consists of the summary of the requested accommodation, the reason(s) why the requested accommodation was denied, the customer's appeal, relevant VTA rules, input from the involved Operator/Field Supervisors, and a copy of any data pack video of the reported incident.

The ARC is comprised of 3 members from the following departments:

3.6.A ADA Coordinator, or designee

3.6.B Subject Matter Expert (one staff who was not involved in the initial determination to deny the modification request)

3.6.C Customer Service

Other staff will be consulted by the ARC members, if needed, to review and recommend a resolution of the Reasonable Modification/Accommodation request denial appeal.

The Appeals Review Committee will respond, in writing, within 21 calendar days of the date of the appeal. If the denial is overturned, the ARC will respond to the customer, in writing, explaining their decision. If the denial is upheld, the ARC will provide, in writing, a detailed explanation as to why the accommodation cannot be made. An alternative approach to achieve service access pursued by the requested accommodation will be recommended to the customer. The determination made by the ARC will be final.

All information regarding customer requests for reasonable modifications and appeals will be entered into the Customer Service feedback tracking system.

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#### **4.0 Policy:**

VTA will make reasonable modifications/accommodations to its operating policies, practices and procedures to help ensure that transportation services are accessible to all passengers.

Though transit agencies are not required to make modifications that are considered unreasonable, the final rule obligates them to work with customers to find reasonable alternatives.

When a request for modifications/accommodations to operating policy, practice, or procedure is determined to be unreasonable, VTA will collaborate with the requesting customer, or designated representative(s), to find an alternative policy, practice, or procedural adjustment to allow the customer to use VTA transportation services.

The following is a list of accommodation requests that USDOT has identified as being unreasonable. Transit operators are not required to provide these accommodations.

This list is not exclusive as there may be other scenarios, not foreseen, that cannot be accommodated.

- 4.1 Personal Care Attendant (PCA) assistance by an operator
- 4.2 Assistance with luggage and packages
- 4.3 Fare payment by operators, or non-payment
- 4.4 Operator care for service animals
- 4.5 Hand-carrying passengers
- 4.6 Specification of vehicles or special equipment in a vehicle
- 4.7 Exclusive or reduced capacity paratransit (single passenger) trip
- 4.8 ADA Paratransit trips beyond the defined service area or operating hours
- 4.9 A stop and wait at an intermediate location during an ADA paratransit trip
- 4.10 A request that creates a hazard for a vehicle, the operator, or other passengers
- 4.11 A request for a specific driver
- 4.12 A request to avoid other passengers on an ADA paratransit trip

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## **5.0 Training Requirements:**

Under the direction of VTA's Employee Training and Development Department, management will be responsible for training their respective staff on how to respond to customer requests for reasonable modifications/accommodations. Training will be provided to staff initially and on an ongoing basis.

- 5.1 Coach and Light Rail Operators will be trained during initial training and during their respective technical training refresher classes.
- 5.2 Field Supervisors, Superintendents, and Radio Dispatchers will receive initial training on the reasonable modifications/accommodation regulations. Periodic, as needed, refresher training will be provided by Operations staff.
- 5.3 Fare Inspectors and Transit Patrol Deputies will receive initial training on the reasonable modifications/accommodation regulations. Periodic, as needed, refresher training will be provided by Operations staff as designated by Protective Services management.
- 5.4 Customer Service staff will receive initial training on the reasonable modifications/accommodation regulations. Periodic, as needed, refresher training will be provided by Customer Service management.
- 5.5 The ADA Coordinator will work with Customer Service management and designated Operations staff to ensure that the members of the Appeal Review Committee are apprised of information regarding reasonable modifications/accommodation complaint processing and appeal review.

## **6.0 Definitions:**

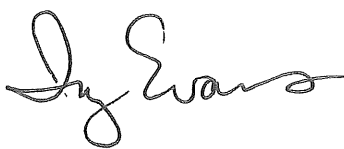

- 6.1 *Reasonable Modification/Accommodation:* A change to an operating policy, practice, or procedure in order to enable persons with disabilities to use public transportation.
- 6.2 *Unreasonable Modification/Accommodation:* A change to an operating policy, practice, or procedure that would pose a danger to the operator or others, is not necessary to achieve service accessibility, is burdensome, or would significantly change the nature of the service.

## **7.0 Summary of Changes:**

Initial release of this policy.

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**8.0 Approval Information:**

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