

Ben Franklin Transit Reasonable Modification Policy

Purpose

This document (herein referred to as "Reasonable Modification Policy") sets forth the policy and procedures which Ben Franklin Transit will use to receive and act on requests for modifications of transportation policies and procedures (herein referred to as "Reasonable Modifications" or "RM's") made by people with disabilities. This is in accordance with the Reasonable Modification requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

Ben Franklin Transit (BFT) is committed to providing safe, reliable, efficient, accessible and user-friendly services to its customers. To ensure equality and fairness, BFT is committed to making reasonable modification to its policies, practices and procedures to avoid discrimination and ensure programs and services are accessible to individuals with disabilities.

Exceptions would include modifications that:

- ✓ Cause a direct threat to the health and safety of others;
- ✓ Result in a fundamental alteration of the service;
- ✓ Are not actually necessary in order for the individual with a disability to access BFT's services
- ✓ Result in undue financial and administrative burden

Reasonable Modification

A reasonable modification is a change in BFT's service policies, practices and procedures in circumstances where established practices may prevent individuals with disabilities from accessing and participating fully in BFT's programs, services and/or facilities.

Responsible Employee

BFT's Executive Management Staff in coordination with the ADA Coordinator is responsible for implementing this policy and procedures.

Policy Advertisement

BFT will provide a link to the full text of the RM policy and procedure on its website (www.bft.org). This policy includes information about how to make requests for reasonable modifications of its policies. A summary of the Reasonable Modification Policy will also be available upon request.

Requesting a Reasonable Modification

Individuals may request RM's online, by email, in writing or by phone. To facilitate this process, BFT will make this policy and the Reasonable Modifications Request Form available online and in hard copy upon request.

BFT also will make this policy and the Reasonable Modification Request Form available in alternate formats upon request. This policy and the Reasonable Modifications Request Form will also be available in Spanish.

- ✓ Online – The customer must complete the online Request Form and attach any supplemental information required by this policy.
- ✓ By Email – The customer must send a completed copy of the Request Form to BFT at ReasonableModifications@bft.org along with any supplemental information required by this policy.

- ✓ In Writing – The customer must complete the Request Form and attach any supplemental information required by this policy. The completed form and all attachments should be mailed to:
ADA Coordinator
Ben Franklin Transit
1000 Columbia Park Trail
Richland, WA 99352
- ✓ By Phone – The customer may request a Reasonable Modification by contacting BFT at (509) 735-5100 during standard BFT business hours. Request to speak with the ADA Coordinator. Staff will email, fax or mail this policy and the Reasonable Modification Request Form to the customer. If needed, staff will complete the online form for the customer, based on information provided by the customer.

Evaluating Requests

Upon receipt of a Reasonable Modification, BFT staff will evaluate each request as follows:

- ✓ Initial review for completeness – Staff will review the information in the Reasonable Modification Request Form and all supplemental documentation to ensure that the request is complete. If a request is incomplete, staff will follow up with the customer to advise him/her of the missing information. However, no action will be taken on the request until it is complete.
- ✓ When the request is complete, it will be forwarded to the ADA Coordinator or his/her designee. The ADA Coordinator will distribute a copy of the request (along with all supporting documentation provided by the requestor) to the agency staff that may be called upon to provide the requested modification.
- ✓ When all parties have been provided a copy of the RM request, the ADA Coordinator will review the request in consultation with the agency staff that may be affected, to determine the best course of action. All reasonable modification requests will be acknowledged within five (5) business days of receipt. Within fifteen (15) business days, the ADA Coordinator (in consultation with all affected agency staff) will decide to either:
 - Grant the modification requested by the customer.
 - Deny the modification requested by the customer. If a request is denied, consideration will be given to alternate approaches and/or modifications that will enable the customer to participate in the service(s) and/or benefit from the program(s).
 - Negotiate the request and offer an alternate modification. If a request is negotiated and an alternate modification is proposed, priority will be given to alternate modifications, which provide services, programs and activities in the most integrated setting appropriate to the needs of individuals with disabilities.

Factors to Consider in the Evaluation of Requests for Reasonable Modification

In determining whether to grant a requested modification, BFT will be guided by the provisions of United States Department of Transportation at 49 CFR Appendix E to Part 37169. The ADA Coordinator and/or his/her designee will consider the following factors when reviewing and responding to Requests for Reasonable Modifications:

1. Does the requestor have a disability? Does the person requesting the modification have a disability? Is the disability "apparent?" (This may include the use of a service animal or a mobility device, e.g., wheelchair, walker, long white cane, etc.) If the noted disability is not apparent, is adequate documentation of disability provided? (This might include a current ADA paratransit eligibility ID number, or some reasonable documentation forwarded by the requestor.) If the requestor has a disability, proceed. If not, the requested modification will be denied.

2. Is the requested modification necessary to enable nondiscriminatory use of the service?
Consider the policy/procedure that the requestor has asked to have modified. Also, consider the requestor's disability and the stated reason for being unable to use the service in a nondiscriminatory manner. Does the current policy/procedure keep the requestor from using the service in a nondiscriminatory way **because of the disability**? Is the requestor **unable** to use the service in a nondiscriminatory way because of the current policy/procedure, or is the reasonable modification being requested as a convenience of personal preference? If the current policy/procedure does prevent nondiscriminatory use of the service, proceed. If not, the requested modification will be denied.
3. Would the requested modification fundamentally change the nature of the service, program or activity? If no, proceed. If yes, the modification will be denied.
4. Would implementation of the requested modification create a situation that would pose a direct threat to the health or safety of others? If no, proceed. If yes, the exact threat should be documented in writing and the modification should be denied. (Note that possible safety threats to the requestor cannot be used as a reason to deny the requested modification. However, if there are possibly safety risks for the requestor they should be clearly communicated to and acknowledged by the requestor before any modifications are made.)
5. Would implementation of the requested modification create an undue administrative or financial burden? If no, proceed. If yes, the undue burden should be spelled out in detail, in writing, and the requested will be denied.

Examples of Reasonable Modification

The following list, developed by the USDOT, provides examples of when reasonable modification should generally be made. This list is intended only to provide examples and does not constitute an exhaustive list of the reasonable modifications that BFT may provide, nor does the appearance of any reasonable modification on this list suggest or guarantee that BFT can or will provide the modification in all circumstances.

- ✓ Stopping a fixed route bus a short distance from the bus stop sign to allow a wheelchair user to avoid an obstacle to boarding using a lift/ramp (assuming the alternate location does not create an unsafe traffic situation), such as road construction.
- ✓ Permitting passengers to board the fixed route or paratransit vehicles separate from their mobility device in order to not exceed the weight bearing load of the lift/ramp.
- ✓ For passengers whose disability prevents them from independently using the fare collection systems on fixed route buses or paratransit vehicles, driver will assist with the handling of cash or fare media and with the insertion of cash or ticket into the fare box.
- ✓ Riders may eat, drink or take medicine on transit vehicles or in transit facilities when doing so is medically necessary for the rider's safety and is related to a documented disability. Drinks must be in a closed top container.

Responding to Requests for Reasonable Modifications

- ✓ The ADA Coordinator (in coordination with the agency staff involved in a requested modification) will have fifteen (15) business days to review and decide on each RM request.
- ✓ The ADA Coordinator will have an additional five (5) business days to provide a final response to the customer.

The response will be provided via email if the request was received by email, and by letter (USPS) if the request was made via telephone or letter. Appropriate alternative formats will be used if requested.

If a request is denied, or if an alternate modification is proposed, the response will detail the reasons for the denial. Requestors also will be informed of their right to appeal and how to initiate an appeal.

Notice of Decision/Outcome

The ADA Coordinator will send a copy of the response to all affected agency staff, to be disseminated as appropriate.

Amendment of Operating Procedure

If a Request for Reasonable Modification is granted, the appropriate Operations staff will prepare new or amended operating procedure documents and distribute as appropriate. Reasonable modifications generally will be implemented in Operations within seven (7) calendar days, unless the ADA Coordinator negotiates a longer period with the customer. If a longer timeframe is needed, Operations staff will inform the ADA Coordinator and indicate a date by which the reasonable modification can be in place.

Records of Requests and Outcomes:

The ADA Coordinator will maintain the following records for a period of not less than five (5) years:

- ✓ Copy of the completed Reasonable Modifications Request Form with all supplemental information
- ✓ Copy of the final decision as communicated to the customer
- ✓ Copy of any appeal with all supplemental information and the final decision of the Appeals Panel
- ✓ Any other pertinent information garnered in connection with the request

Appeals

If BFT denies the requested Reasonable Modification, or in the event the customer does not agree with the modification offered by BFT, the customer may appeal BFT's decision. Requests for appeals must be made by email (ReasonableModifications@bft.org) or by sending a written request to:

ADA Coordinator
Ben Franklin Transit
1000 Columbia Park Trail
Richland, WA 99352

A request for an appeal must be received no later than sixty (60) days after the date of BFT's denial or offer of an alternative modification. The appeal request must be responded to, by BFT, within thirty (30) days of BFT receiving the request.

The following general guidelines will be incorporated in the appeals process:

- ✓ Allowing the person an opportunity to be heard and to present information and arguments.
- ✓ A separation of functions (i.e., a decision on the appeal by a person not involved with the initial decision to deny the Reasonable Modification Request).

Appeal Steps

- 1) Upon receipt of an appeal request, BFT staff has thirty (30) days to schedule and hold an Appeals Panel meeting. The Appeals Panel will consist of two (2) managers and/or relevant supervisors.

The Appeals Panel will meet with the customer, review all relevant material and give the customer the opportunity to present information and voice their position.

- 2) The Appeals Panel will make a decision on the Reasonable Modification determination solely on the documented evidence, observations, and testimony presented at the appeal hearing, along with his/her observations, professional expertise, and knowledge.
- 3) The appeals panel will issue a written decision setting forth the reasons for the decision within thirty (30) days of completing the appeal. The appeal panel's decision is final.

In-Service Requests

Individuals are encouraged to request Reasonable Modifications in advance of using the service whenever possible and if the issue is known in advance. If issues with policies and procedures are encountered while using the service(s), individuals may make a request for reasonable modification to the appropriate employee on-site (i.e., the driver of the fixed route or paratransit vehicle). The employee on-site will contact and inform dispatch of the request. BFT's Dispatch office will provide direction as to whether or not to make the requested modification, and will document the request and any action(s) taken. Individuals are encouraged to make formal requests so that appropriate services will be provided thereafter.

Training

Within one hundred and eighty (180) calendar days of the issuance of this policy and procedures, all transit and paratransit service operators and management personnel will be provided with training regarding this policy and procedures.

Appropriate training regarding Reasonable Modification requests made "in-service" (or on-site) will be developed for all front-line personnel. This training will be incorporated into all refresher and new hire training within one hundred and eight (180) additional calendar days.