

POLICY <i>Transportation for Individuals with Disabilities; VTA Reasonable Modification Policy and Procedure</i>	Document Number:	Version Number:	Date:
	OPS-PL-0060	02	1/28/2025

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 the US Department of Transportation's Americans with Disabilities Act reasonable modification final rule with VTA's operating rules and regulations, 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 and accommodations to operating rules, policies, and procedures when necessary and appropriate to facilitate individuals with disabilities' use of VTA bus, light rail, shuttle, and paratransit services.

3.0 Responsibilities for Fixed-Route:

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 8.11; 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 8.12). *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).*

3.1.D Passengers may board separately from their mobility devices (Coach Operator Rule Book 8.9.1). *The Operator is not required to assist the passenger to maneuver the mobility device.*

POLICY <i>Transportation for Individuals with Disabilities; VTA Reasonable Modification Policy and Procedure</i>	Document Number:	Version Number:	Date:
	OPS-PL-0060	02	1/28/2025

- 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).

Operators shall contact VTA's Operations Control Center for further guidance 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 or accommodation can be met.
- 3.2.B Shall interact with passengers to ensure that they are able to use VTA services through reasonable modifications or accommodations or by determining alternative approaches that provide the requested accessibility.

3.3 Customer Service/ISR Staff

- 3.3.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 VTA staff responsible for making the reasonable modification request determination.
- 3.3.B If VTA Customer Service/ISR staff receive a customer complaint concerning 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 forward customer complaints about a denial of a request for policy, procedural or rule modification while using VTA services to VTA's ADA Coordinator.

3.5 Responsible VTA Staff

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

- 3.5.A If the reasonable accommodation request is approved, the customer will be notified in a formal letter.
- 3.5.B If the reasonable accommodation request is denied, the customer will be notified in a formal letter, clearly stating in plain language the specific reasons for denial, providing an alternative approach to achieve service access if possible, and informing the customer of the right to appeal the decision.

POLICY <i>Transportation for Individuals with Disabilities; VTA Reasonable Modification Policy and Procedure</i>	Document Number:	Version Number:	Date:
	OPS-PL-0060	02	1/28/2025

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 Twenty-one (21) business 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

Customer Service will forward customer complaints regarding denial of a reasonable accommodation request to the ADA Coordinator. Upon receiving the complaint, the ADA Coordinator will request the CCTV data pack of a reported denial.

If a customer appeals a reasonable accommodation request denial, 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 will contain a 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 (a staff member 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, as needed, for purposes of review and recommendations for resolution of an appeal of a reasonable accommodation request denial.

The Appeals Review Committee will respond, in writing, within Twenty-one (21) business 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 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.

4.0 Responsibilities for Complementary ADA Paratransit:

POLICY	Document Number:	Version Number:	Date:
	OPS-PL-0060	02	1/28/2025

Transportation for Individuals with Disabilities; VTA Reasonable Modification Policy and Procedure

VTA's Regional Transportation Services (RTS) Department oversees the Complementary ADA Paratransit (VTA ACCESS Paratransit) Operation and Eligibility Certification program. RTS staff shall ensure the contractors comply with the following responsibilities:

- 4.1 ACCESS Drivers, Road Supervisors, Dispatchers, Call Center Staff, and Supplemental Contractors 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.
 - 4.1.A Requests to be picked up or dropped off at an alternative accessible location where there are multiple entrances.
 - 4.1.B Passengers eating and drinking on-board a transit vehicle to avoid an adverse medical situation.
 - 4.1.C Passengers self-administering medicine on-board a transit vehicle.
 - 4.1.D Passengers boarding separately from their mobility devices.
 - 4.1.E Positioning the vehicle to avoid obstacles as necessary.

ACCESS staff should contact their direct supervisor for additional guidance regarding any concerns of inability to provide requested accommodations.

- 4.2 Road Supervisors and ACCESS Safety Managers:
 - 4.2.A Shall support ACCESS and supplemental drivers in determining if a requested reasonable modification/accommodation can be met.
 - 4.2.B Shall interact with the passenger to determine if the requested reasonable modification will ensure they are able to use VTA ACCESS services or if an alternative approach will provide the requested accessibility.
 - 4.2.C When necessary, conduct mobility device evaluations or take an incident report to understand an issue a paratransit passenger is experiencing.
- 4.3 Administrative Staff
 - 4.3.A Shall enter the reasonable modification request in the Customer Service Management System to be identified as a Reasonable Modification Request. The request will be forwarded to appropriate ACCESS staff to document any reports, phone calls, or actions taken regarding the request.
 - 4.3.B Once the request is received ACCESS staff will address the request and close the case within five (5) business days.
- 4.4 Responsible VTA/RTS Staff
 - 4.4.A Responsible VTA/RTS staff will have fourteen (14) business days from the date of the request to make a determination regarding the passenger's request.
 - 4.4.B If the reasonable accommodation request is approved, customers will be notified in writing.
 - 4.4.C If the reasonable accommodation request is denied, the customer will be notified in writing clearly stating the reason for the denial with any correlating regulations, providing alternative resources and the right to appeal the decision.

POLICY <i>Transportation for Individuals with Disabilities; VTA Reasonable Modification Policy and Procedure</i>	Document Number:	Version Number:	Date:
	OPS-PL-0060	02	1/28/2025

4.5 If the passenger disagrees with the denial or the offered alternative, the passenger can appeal. VTA's denial notice will include the customer's reference number and advise the customer that they will have Twenty-one (21) business days from the date of the denial notice to make the level I Administrative Review Appeal as provided in VTA ACCESS Paratransit Rider's Guide.

4.6 **Administrative Review**
Upon receipt of an Administrative Review Appeal, a designated RTS Staff member (who was not a part of the original determination) will review all documentation provided by the ACCESS contractors. RTS staff will call the customer to explain the original determination, provide additional information, and give the customer the opportunity to provide any additional information.

The customer will be notified both verbally and in writing whether the original determination is upheld or denied. If the original determination is upheld the customer will be provided with the information on how to elevate the request to the level II in-person appeal hearing as described in section 3.6 ADA Coordinator.

5.0 Policy:

VTA will make reasonable modifications and 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 or accommodations to operating policy, practice, or procedure is determined to be unreasonable, VTA will try to work with the requesting customer, or designated representative(s), to find an alternative policy, practice, or procedural adjustment that will facilitate the customer's use of 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.

- 5.1 Provide a Personal Care Attendant (PCA) or personal care attendant services
- 5.2 Assistance with luggage and packages
- 5.3 Provide service without payment
- 5.4 Operator care for service animals
- 5.5 Hand-carrying passengers or lifting passengers out of their mobility devices
- 5.6 Dedicated vehicle or installation of special equipment in a vehicle
- 5.7 Exclusive or reduced capacity paratransit (single passenger) trip

POLICY <i>Transportation for Individuals with Disabilities; VTA Reasonable Modification Policy and Procedure</i>	Document Number:	Version Number:	Date:
	OPS-PL-0060	02	1/28/2025

- 5.8 ADA Paratransit trips beyond the defined service area or operating hours
- 5.9 A stop and wait at an intermediate location during an ADA paratransit trip
- 5.10 A request that creates a hazard for a vehicle, the operator, or other passengers
- 5.11 A request for a specific driver
- 5.12 A request to avoid other passengers on an ADA paratransit trip

6.0 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 as follows:

- 6.1 Coach and Light Rail Operators will be trained during initial training and during their respective technical training refresher classes.
- 6.2 Field Supervisors, Superintendents, and Radio Dispatchers will receive initial training on the reasonable modification and accommodation regulations. Periodic refresher training will be provided by Operations staff as needed.
- 6.3 Fare Inspectors and Transit Patrol Deputies will receive initial training on the reasonable modification and accommodation regulations. Periodic refresher training will be provided by Operations staff as designated by Protective Services management as needed.
- 6.4 Customer Service staff will receive initial training on the reasonable modification and accommodation regulations. Periodic refresher training will be provided by Customer Service management as needed.
- 6.5 The ADA Coordinator will work with Customer Service management and designated Operations staff to ensure that members of the Appeal Review Committee are apprised of information regarding the processing of reasonable modification and accommodation complaints and review of appeals.

7.0 Definitions:

- 7.1 *Reasonable Modification/Accommodation:* Changes to operating policies, practices, or procedures to facilitate the use of public transportation by persons with disabilities.
- 7.2 *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.

8.0 Summary of Changes:

Updates to this policy include:

POLICY <i>Transportation for Individuals with Disabilities; VTA Reasonable Modification Policy and Procedure</i>	Document Number:	Version Number:	Date:
	OPS-PL-0060	02	1/28/2025

- 8.1 The addition of reasonable modification procedures for the Complementary ADA Paratransit Service.
- 8.2 Adjustments to the rule numbers listed in the examples of accommodations in section 3.1 to match the current rule numbers in the Coach Operator Rule Book.
- 8.3 Adjustments to the customer service workflow.

9.0 Approval Information:

Prepared by: Rachelle Tagud, Operations Manager – Regional Transportation Services

Reviewed by: Derik Calhoun, Chief Operations Officer

Approved by: Carolyn Gonot, General Manager/CEO