



# **ADA Reasonable Modification Plan**

*Effective July 13, 2015*

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# Introduction

The Ann Arbor Area Transportation Authority (AAATA) provides fixed-route, general public demand response, and curb-to-curb ADA complementary paratransit service (“ARide”) throughout the Washtenaw County region. All AAATA services are ADA accessible.

The Americans with Disabilities Act (ADA) of 1990 requires that ARide be operated in a manner comparable to fixed-route. Recently, the U.S. Department of Transportation (U.S. DOT) amended the ADA rule to clarify reasonable modification/accommodation requirements. The new rule stipulates that transit agencies must make reasonable modifications to avoid discrimination and to ensure their services and programs are accessible to individuals with disabilities. This rule applies to both AAATA’s fixed-route and ARide service.

It is important to note that the new ruling does not require door-to-door service and that agencies may remain curb-to-curb in policy, so long as reasonable modifications are made upon request and when possible to maintain origin-to-destination service. The Federal Transit Administration (FTA) defines origin-to-destination as providing “...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.” Additional information on the full U.S. DOT requirements, effective July 13, 2015, can be found at the following website:

<http://www.gpo.gov/fdsys/pkg/FR-2015-03-13/pdf/2015-05646.pdf>

Appendix A lists examples of what the U.S. DOT considers to be both appropriate accommodations and unacceptable requests.

## Reasonable Modification Coordinator

AAATA has designated the ADA Eligibility Specialist as the Reasonable Modification Coordinator. This individual is responsible for determining requests for reasonable modifications according to AAATA guidelines. Contact information is provided below:

Mail: AAATA  
Attn: Reasonable Modification Coordinator  
Ann Arbor Area Transportation Authority  
2700 S. Industrial Hwy.  
Ann Arbor MI 48104

Phone: (734) 794-1721

Email: [ARide@TheRide.org](mailto:ARide@TheRide.org)

# Reasonable Modification Requests

Whenever feasible, requests for a modification of service should be handled in advance, before AAATA is expected to provide the modified service. When making a request, an individual should provide the following information:

- Name and contact information
- Description of the change being requested
- Timeframe for the change (one-time occurrence versus long-term change)
- Location
- Reason or justification for request

Individuals may submit a request for modification of service in several ways. Requests can be made during the ADA certification process, by contacting customer service, when making a ride request, and can be made in person, or via phone, mail, or email. AAATA recognizes that some requests cannot be made and approved in advance because the requestor may be unaware of the barrier until arriving at the stop. In this case, vehicle operators are trained to accommodate low level requests, such as navigation of barriers or assistance over snow and ice. In the event an operator receives a request for a more substantial modification, the operator must inform the customer that they are not permitted to make that type of decision. In this case, the operator may offer to contact a supervisor or dispatcher to review and evaluate the situation. The operator should note that supervisors and dispatchers have some authority to make modification decisions, but more complex requests may require the Reasonable Modification Coordinator to be involved. Alternatively, the customer may choose to contact customer service and/or the Reasonable Modification Coordinator to further explain their request.

Requests do not need to be made in writing, nor does the request have to include a specific word or phrase such as “reasonable modification” in order for AAATA staff to recognize it as such. If an employee is unsure if the customer is requesting a reasonable modification, the request must be forwarded to the Reasonable Modification Coordinator.

A Modification Request Form is available in Appendix B. This form should be filled out to document customer requests for modification and AAATA’s approval or denial of such requests.

## Service Specific Policies

While the policies and procedures related to reasonable modification requests generally apply universally to both fixed-route and paratransit service, there are some conditions specific to one or the other. Service specific guidelines are outlined and addressed in the following sections.

## **Fixed-Route**

Reasonable modifications do not require route deviations, but could include special passenger notifications or positioning a vehicle in order to avoid an obstacle or provide accessibility.

## **ARide**

AAATA operates ARide service in a manner that allows eligible passengers to travel from their origin to their destination. Although ARide operates curb-to-curb service as the basic service mode, measures are taken to ensure the DOT's origin-to-destination standard is met. AAATA maintains a flexible policy to provide enhanced service to eligible passengers on a case-by-case basis when needed and appropriate to meet the origin-to-destination service requirement, so long as doing so would not fundamentally alter the nature of the service, create an undue burden, or compromise the safety of AAATA passengers, operators, or the general public. To ensure adequate support will be available, passengers should let the customer service agent know that additional assistance will be needed for their trip at the time they make a reservation. This will allow AAATA time to evaluate how to best meet the needs and attempt to foresee any problems that may occur during the trip.

If a passenger regularly requires assistance, they should note it in their application or contact ARide and request the information be added to their file. Requests that are not made prior to the trip **will still be considered** and every effort will be made to provide the assistance regardless of advance notice.

## **ARide Service Limitations**

ARide service does not include any of the following:

- Entering a building beyond the threshold or the ground level
- Parking a vehicle in a location that blocks or impedes traffic
- Assisting passengers on unsafe or steeply inclined mobility ramps or stairs
- Locking/unlocking doors or activating/deactivating house alarms
- Carrying, loading/unloading personal items
- Operating a passenger's electric wheelchair
- Losing sight of the vehicle
- Medical assistance or assistance with medical devices such as oxygen tanks
- Lifting or carrying passengers
- Providing a Personal Care Attendant (PCA) or personal care services such as assistance in eating, toileting, or dressing
- Any action that would fundamentally alter the nature of the service
- Any action that would create an undue financial or administrative burden
- Any action that would be unsafe to any person

ARide passengers may bring a PCA with them if they require assistance beyond the scope of allowed assistance a driver can offer. PCAs may ride free of charge while accompanying the person with a disability who requires assistance. To be considered a PCA, the individual must act in the capacity of a PCA by providing the necessary assistance.

## **Request Denials**

Per federal guidelines, AAATA will consider requests for reasonable modifications to policies, practices, and procedures to ensure transportation is operated in an accessible manner.

Requests for a modification may be denied under the following circumstances:

- Modification would be a fundamental alteration of service provided
- Granting the request would create a direct threat to the health or safety of the requestor, the operator, other riders, or any other person
- The modification is not necessary for the individual to actually use the service
- Granting the request would cause an undue financial and administrative burden

If a reasonable modification request is denied, AAATA shall offer, if feasible, an alternative work around (that would not result in a fundamental alteration of service, direct threat, or undue burden) that may enable the person to use AAATA service for its intended purpose defined in the introduction.

All denials will be documented in the customer service database. In the event a request is denied and the customer does not agree to a suitable alternative, the customer has the right to file a complaint. The complaint process is described in the following section.

## **Complaint Process**

For more information on the AAATA's Reasonable Modification Plan or to file a complaint contact the Reasonable Modification Coordinator, at (734) 794-1721 or [ARide@TheRide.org](mailto:ARide@TheRide.org). Complaints can also be submitted in person or mailed to our administrative offices, at 2700 S. Industrial Hwy. Ann Arbor MI 48104, Attn: Reasonable Modification Coordinator. When filing a complaint, customers should leave their name and contact information where they can be reached for follow up or response. Customers will receive a response within 7 days of filing a request or complaint.

# **Appendix A: U.S. DOT Examples of Reasonable and Unreasonable Accommodations**

*1. Snow and Ice.* Except in extreme conditions that rise to the level of a direct threat to the driver or others, a passenger's request for a paratransit driver to walk over a pathway that has not been fully cleared of snow and ice should be granted so that the driver can help the passenger with a disability navigate the pathway. For example, ambulatory blind passengers often have difficulty in icy conditions, and allowing the passenger to take the driver's arm will increase both the speed and safety of the passenger's walk from the door to the vehicle. Likewise, if snow or icy conditions at a bus stop make it difficult or impossible for a fixed route passenger with a disability to get to a lift, or for the lift to deploy, the driver should move the bus to a cleared area for boarding, if such is available within reasonable proximity to the stop (see Example 4 below).

*2. Pick Up and Drop Off Locations with Multiple Entrances.* A paratransit rider's request to be picked up at home, but not at the front door of his or her home, should be granted, as long as the requested pick-up location does not pose a direct threat. Similarly, in the case of frequently visited public places with multiple entrances (*e.g.*, shopping malls, employment centers, schools, hospitals, airports), the paratransit operator should pick up and drop off the passenger at the entrance requested by the passenger, rather than meet them in a location that has been predetermined by the transportation agency, again assuming that doing so does not involve a direct threat.

*3. Private Property.* Paratransit passengers may sometimes seek to be picked up on private property (*e.g.*, in a gated community or parking lot, mobile home community, business or government facility where vehicle access requires authorized passage through a security barrier). Even if the paratransit operator does not generally have a policy of picking up passengers on such private property, the paratransit operator should make every reasonable effort to gain access to such an area (*e.g.*, work with the passenger to get the permission of the property owner to permit access for the paratransit vehicle). The paratransit operator is not required to violate the law or lawful access restrictions to meet the passenger's requests. A public or private entity that unreasonably denies access to a paratransit vehicle may be subject to a complaint to the U.S. Department of Justice or U.S. Department of Housing and Urban Development for discriminating against services for persons with disabilities.

*4. Obstructions.* For fixed route services, a passenger's request for a driver to position the vehicle to avoid obstructions to the passenger's ability to enter or leave the vehicle at a designated stop location, such as parked cars, snow banks, and construction, should be granted so long as positioning the vehicle to avoid the obstruction does not pose a direct threat. To be granted, such a request should result in the vehicle stopping in reasonably close proximity to the designated stop location. Transportation entities are not required to pick up passengers with disabilities at nondesignated locations. Fixed route operators would not have to establish flag stop or route-deviation policies, as these would be fundamental alterations to a fixed route system rather than reasonable modifications of a system. Likewise, subject to the limitations discussed in the introduction to this appendix, paratransit operators should be flexible in establishing pick up and drop off points to avoid obstructions.

*5. Fare Handling.* A passenger's request for transit personnel (*e.g.*, the driver, station attendant) to handle the fare media when the passenger with a disability cannot pay the fare by the generally established means should be granted on fixed route or paratransit service (*e.g.*, in a situation where a bus passenger cannot reach or insert a fare into the farebox). Transit



personnel are not required to reach into pockets or backpacks in order to extract the fare media.

*6. Eating and Drinking.* If a passenger with diabetes or another medical condition requests to eat or drink aboard a vehicle or in a transit facility in order to avoid adverse health consequences, the request should be granted, even if the transportation provider has a policy that prohibits eating or drinking. For example, a person with diabetes may need to consume a small amount of orange juice in a closed container or a candy bar in order to maintain blood sugar levels.

*7. Medicine.* A passenger's request to take medication while aboard a fixed route or paratransit vehicle or in a transit facility should be granted. For example, transit agencies should modify their policies to allow individuals to administer insulin injections and conduct finger stick blood glucose testing. Transit staff need not provide medical assistance, however, as this would be a fundamental alteration of their function.

*8. Boarding Separately From Wheelchair.* A wheelchair user's request to board a fixed route or paratransit vehicle separately from his or her device when the occupied weight of the device exceeds the design load of the vehicle lift should generally be granted. (Note, however, that under § 37.165(b), entities are required to accommodate device/user loads and dimensions that exceed the former "common wheelchair" standard, as long as the vehicle and lift will accommodate them.)

*9. Dedicated vehicles or special equipment in a vehicle.* A paratransit passenger's request for special equipment (*e.g.*, the installation of specific hand rails or a front seat in a vehicle for the passenger to avoid nausea or back pain) can be denied so long as the requested equipment is not required by the Americans with Disabilities Act or the Department's rules. Likewise, a request for a dedicated vehicle (*e.g.*, to avoid residual chemical odors) or a specific type or appearance of vehicle (*e.g.*, a sedan rather than a van, in order to provide more comfortable service) can be denied. In all of these cases, the Department views meeting the request as involving a fundamental alteration of the provider's service.

*10. Exclusive or Reduced Capacity Paratransit Trips.* A passenger's request for an exclusive paratransit trip may be denied as a fundamental alteration of the entity's services. Paratransit is by nature a shared-ride service.

*11. Outside of the Service Area or Operating Hours.* A person's request for fixed route or paratransit service may be denied when honoring the request would require the transportation provider to travel outside of its service area or to operate outside of its operating hours. This request would not be a reasonable modification because it would constitute a fundamental alteration of the entity's service.

*12. Personal Care Attendant (PCA).* While PCAs may travel with a passenger with a disability, transportation agencies are not required to *provide* a personal care attendant or personal care attendant services to meet the needs of passengers with disabilities on paratransit or fixed route trips. For example, a passenger's request for a transportation entity's driver to remain with the passenger who, due to his or her disability, cannot be left alone without an attendant upon reaching his or her destination may be denied. It would be a fundamental alteration of the driver's function to provide PCA services of this kind.

*13. Intermediate Stops.* The Department views granting a paratransit passenger's request for a driver to make an intermediate stop, where the driver would be required to wait, as optional.

For example, a passenger with a disability arranges to be picked up at a medical facility and dropped off at home. On the way, the passenger with a disability wishes to stop by a pharmacy and requests that the driver park outside of the pharmacy, wait for the passenger to return, and then continue the ride home. While this can be a very useful service to the rider, and in some cases can save the provider's time and money (by scheduling and providing a separate trip to and from the drug store), such a stop in the context of a shared ride system is not required. Since paratransit is, by its nature, a shared ride system, requests that could disrupt schedules and inconvenience other passengers could rise to the level of a fundamental alteration.

*14. Payment.* A passenger's request for a fixed route or paratransit driver to provide the transit service when the passenger with a disability cannot or refuses to pay the fare may be denied. If the transportation agency requires payment to ride, then to provide a free service would constitute a fundamental alteration of the entity's service.

*15. Caring for Service Animals.* A paratransit or fixed route passenger's request that the driver take charge of a service animal may be denied. Caring for a service animal is the responsibility of the passenger or a PCA.

*16. Opening Building Doors.* For paratransit services, a passenger's request for the driver to open an exterior entry door to a building to provide boarding and/or alighting assistance to a passenger with a disability should generally be granted as long as providing this assistance would not pose a direct threat, or leave the vehicle unattended or out of visual observation for a lengthy period of time.<sup>1</sup> Note that a request for "door-through-door" service (*i.e.*, assisting the passenger past the door to the building) generally would not need to be granted because it could rise to the level of a fundamental alteration.

*17. Exposing Vehicle to Hazards.* If the passenger requests that a vehicle follow a path to a pick up or drop off point that would expose the vehicle and its occupants to hazards, such as running off the road, getting stuck, striking overhead objects, or reversing the vehicle down a narrow alley, the request can be denied as creating a direct threat.

*18. Hard-to-Maneuver Stops.* A passenger may request that a paratransit vehicle navigate to a pick-up point to which it is difficult to maneuver a vehicle. A passenger's request to be picked up in a location that is difficult, but not impossible or impracticable, to access should generally be granted as long as picking up the passenger does not expose the vehicle to hazards that pose a direct threat (*e.g.*, it is unsafe for the vehicle and its occupants to get to the pick-up point without getting stuck or running off the road).

*19. Specific Drivers.* A passenger's request for a specific driver may be denied. Having a specific driver is not necessary to afford the passenger the service provided by the transit operator.

*20. Luggage and Packages.* A passenger's request for a fixed route or paratransit driver to assist with luggage or packages may be denied in those instances where it is not the normal policy or practice of the transportation agency to assist with luggage or packages. Such assistance is a matter for the passenger or PCA, and providing this assistance would be a fundamental alteration of the driver's function.

*21. Request to Avoid Specific Passengers.* A paratransit passenger's request not to ride with certain passengers may be denied. Paratransit is a shared-ride service. As a result, one passenger may need to share the vehicle with people that he or she would rather not.

22. *Navigating an Incline, or Around Obstacles.* A paratransit passenger's request for a driver to help him or her navigate an incline (e.g., a driveway or sidewalk) with the passenger's wheeled device should generally be granted. Likewise, assistance in traversing a difficult sidewalk (e.g., one where tree roots have made the sidewalk impassible for a wheelchair) should generally be granted, as should assistance around obstacles (e.g., snowdrifts, construction areas) between the vehicle and a door to a passenger's house or destination should generally be granted. These modifications would be granted subject, of course, to the proviso that such assistance would not cause a direct threat, or leave the vehicle unattended or out of visual observation for a lengthy period of time.

23. *Extreme Weather Assistance.* A passenger's request to be assisted from his or her door to a vehicle during extreme weather conditions should generally be granted so long as the driver leaving the vehicle to assist would not pose a direct threat, or leave the vehicle unattended or out of visual observation for a lengthy period of time. For example, in extreme weather (e.g., very windy or stormy conditions), a person who is blind or vision-impaired or a frail elderly person may have difficulty safely moving to and from a building.

24. *Unattended Passengers.* Where a passenger's request for assistance means that the driver will need to leave passengers aboard a vehicle unattended, transportation agencies should generally grant the request as long as accommodating the request would not leave the vehicle unattended or out of visual observation for a lengthy period of time, both of which could involve direct threats to the health or safety of the unattended passengers. It is important to keep in mind that, just as a driver is not required to act as a PCA for a passenger making a request for assistance, so a driver is not intended to act as a PCA for other passengers in the vehicle, such that he or she must remain in their physical presence at all times.

25. *Need for Return Trip Assistance.* A passenger with a disability may need assistance for a return trip when he or she did not need that assistance on the initial trip. For example, a dialysis patient may have no problem waiting at the curb for a ride to go to the dialysis center, but may well require assistance to the door on his or her return trip because of physical weakness or fatigue. To the extent that this need is predictable, it should be handled in advance, either as part of the eligibility process or the provider's reservations process. If the need arises unexpectedly, then it would need to be handled on an ad hoc basis. The paratransit operator should generally provide such assistance, unless doing so would create a direct threat, or leave the vehicle unattended or out of visual observation for a lengthy period of time.

26. *Five-Minute Warning or Notification of Arrival Calls.* A passenger's request for a telephone call 5 minutes (or another reasonable interval) in advance or at time of vehicle arrival generally should be granted. As a matter of courtesy, such calls are encouraged as a good customer service model and can prevent "no shows." Oftentimes, these calls can be generated through an automated system. In those situations where automated systems are not available and paratransit drivers continue to rely on hand-held communication devices (e.g., cellular telephones) drivers should comply with any State or Federal laws related to distracted driving.

27. *Hand-Carrying.* Except in emergency situations, a passenger's request for a driver to lift the passenger out of his or her mobility device should generally be denied because of the safety, dignity, and privacy issues implicated by hand-carrying a passenger. Hand-carrying a passenger is also a PCA-type service which is outside the scope of driver duties, and hence a fundamental alteration.



# **Appendix B: Modification Request Form**



# Modification Request Form



<b>Date of Request</b>	
<b>Customer Name</b>	
<b>Customer ID</b>	
<b>Service Type (Circle One)</b>	Fixed-Route      Paratransit
<b>Duration</b>	
<b>Customer's Request:</b>	
<b>Discussion:</b>	
<b>Date Modification Approved:</b>	
_____	
<b>Approved</b>	
<b>By:</b> _____	

<b>Reason for Denial (Check One):</b>	
<input type="checkbox"/>	Modification would be a fundamental alteration of service provided
<input type="checkbox"/>	Modification would create a direct threat to the health or safety of the requestor, the operator, other riders, or any other person
<input type="checkbox"/>	Modification is not necessary for the individual to actually use the service
<input type="checkbox"/>	Modification would cause an undue financial and administrative burden
<b>Describe Other Actions Taken to Ensure Access:</b>	

**Date Customer Notified:** \_\_\_\_\_

**Notified By:** \_\_\_\_\_