



CITY OF TULARE
AMERICANS WITH DISABILITIES ACT (ADA)
REASONABLE MODIFICATION POLICY

Background

On March 13, 2015, as part of the Federal Register Vol. 80, No. 49 (80FR13253), the Federal Department of Transportation (DOT) issued a Final Rule effecting 49 CFR Parts 27 and 37: Transportation for Individuals with Disabilities; Reasonable Modification of Policies and Practices. This final rule stemmed from a prior Notice of Proposed Rule Making (NPRM) issued February 27, 2006 (71 FR 9761). The purpose behind this final rule is:

"...specifically to provide that 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."

Requirements

1. Federal funding recipients must make reasonable accommodations in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability unless recipients can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, activity, or result in an undue financial and administrative burden.
 - a. This requirement applies to both fixed-route and paratransit services.
2. When considering changes to facilities or transportation services, entities must consider the most integrated setting appropriate for individuals with disabilities.
 - a. However, entities can refuse to provide service to an individual that engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others.

- b. Entities cannot refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.
3. Transportation agencies must provide "Origin-to-destination service" for paratransit operations. The City of Tulare (City) offers origin-to-destination service paratransit system known as Tulare Inter Modal Express (TIME), Dial -A –Ride.

Procedures for Accommodating Reasonable Modification

All requests for reasonable modification (fixed route, paratransit or facilities) will be processed in the following manner.

1. Requests may be submitted by email at Transit@Tulare.ca.gov, written mail to Transit, 411 E. Kern Ave. Tulare, CA 93274, Attn: Transit Division, or by phone at (559-684-4252). All requests will be logged into a Reasonable Modification/Accommodation spreadsheet noting the requestors name, date, contact information and specific modification request being made.
2. Information regarding requesting reasonable modifications will be available on the Tulare Transit website (<https://www.tulare.ca.gov/departments/finance/transit>) as well as within the various printed materials normally provided by the City (i.e. riders guides, notices).
3. Individuals requesting modifications will be asked to supply sufficient detail within the request so that agency staff may effectively evaluate the request. Individuals are not required to use the term "reasonable modification" when requesting modifications or accommodations.
4. Whenever feasible, requests for modifications shall be made in advance, before the requested modification is expected to be provided in service. The City acknowledges that, due to the unpredictable nature of transportation, some requests for reasonable modification may be made while in transit. As such, operating personnel shall make a determination of whether the modification should be provided at that time.

5. All requests for modifications (reasonable or otherwise) will be assigned to the agency Point of Contact (POC) for review and evaluation. (The POC for these requests will be the City of Tulare's Transit System Manager.) Prior to determination, the POC will consult with operations staff regarding requests for reasonable modification.
6. Note that some requests for reasonable accommodations may be submitted during the paratransit eligibility process or through other customer service inquiries, and as such, operating personnel are trained and are empowered to determine whether the request should be granted at the time of the request or whether the request needs to be escalated to operations/agency management before making a determination to grant or deny the request.
7. Training regarding these procedures will be provided to agency staff who interact with the public; specifically: office assistants, dispatchers, schedulers and supervisors.
8. All reasonable modification requests will be acknowledged within three business days of receipt. The resolution and response to the person who submitted a request will be made timely, within 15 business days, and the response must explain the reasons for the resolution. The response must be documented in the Reasonable Modification/Accommodation log. Any requests requiring more than 15 business days to resolve must be reviewed by the Transit Manager and documented as to why the resolution requires additional time for full resolution.

Complaint Response Procedures

1. Complaints may be submitted by email to Transit@Tulare.ca.gov, written mail to Transit, 411 E. Kern Ave. Tulare, CA 93274, Attn: Transit Division, or by phone at (559 - 684-4252). All complaints will be logged into a Reasonable Modification / Accommodation spreadsheet noting the complainant name, date, contact information and specific complaint being made as well as the original request for modification associated with the complaint.

2. All complaints will be reviewed by the Transit Manager and / or their designee.
3. All complaints will be acknowledged within three business days of receipt. The resolution and response will be made timely, within 15 business days, and the response must explain the reasons for the determination. The response must be documented in the Reasonable Modification/Accommodation log, referencing the original request for modification. Any complaint responses requiring more than 15 business days for resolution must be reviewed by the Transit Manager and documented as to why the resolution requires additional time for full resolution.