

Reasonable Modification Policy

Purpose

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. 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.”

Policy

Valley Transit District is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services, and activities. Valley Transit District recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modification to policies and procedures. Valley Transit District will adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. Valley Transit District does not discriminate based on disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Valley Transit District will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Valley Transit District or be subject to discrimination by Valley Transit District.

Reasonable Modifications

A reasonable modification is a change or exception to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services, and activities. Valley Transit

District will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for qualified individuals with disabilities, unless:

- Making the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health or safety of others including passengers.
- Making the accommodation would result in an undue financial and administrative burden.
- The individual with a disability is able to fully use Valley Transit District service without the accommodation being made.

For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term “reasonable modifications” as set forth in the Americans with Disabilities Act title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

Eligibility Criteria

An individual is eligible to be considered to receive a reasonable modification if that individual has: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or been regarded as having such impairment.

Requests for Reasonable Modifications

Valley Transit District shall make information about how to contact Valley Transit District to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines. Valley Transit District shall follow these procedures in taking requests:

1. Individuals requesting modifications shall describe what they need in order to use the service.
2. Individuals requesting modifications are not required to use the term “reasonable modification” when making a request. Personnel at Valley Transit District will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
3. Whenever feasible, Valley Transit District requests that individuals make such requests for modifications in advance if it is possible to do so before Valley Transit District is expected to provide the modified service.

4. Where a request for modification cannot practicably be made and determined in advance (e.g., because of a condition or barrier at the destination of a paratransit trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with Valley Transit District's management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made.

The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Interactive Process

When a request for accommodation is made, Valley Transit District and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the Valley Transit District must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

Time Frame for Processing Requests and Providing Reasonable Modification

Valley Transit District will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Valley Transit District recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

Granting a Reasonable Modification Request

As soon as Valley Transit District determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation

services, Valley Transit District shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

Denying a Reasonable Modification Request

As soon as Valley Transit District determines that a request for reasonable accommodation will be denied, Valley Transit District will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

1. the specific reasons for the denial;
2. any alternative accommodation that may create the same access to transit services as requested by the individual; and
3. the opportunity to file a complaint relative to the Valley Transit District decision on the request.

Complaint Process

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a [Valley Transit District Reasonable Modification Complaint Form](#). Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Valley Transit District investigates complaints received no more than 30 days after receipt. Valley Transit District has a process for investigating and tracking complaints from qualified individuals. Valley Transit District will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Valley Transit District may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Valley Transit District.

If Valley Transit District is not contacted by the complainant or does not receive the additional information within 30 business days, the Valley Transit District may administratively close the complaint. A complaint may be administratively closed also if the complainant no longer wishes to pursue their case.

After Valley Transit District investigates the complaint, a decision will be rendered in writing to the complainant. Valley Transit District will issue either a Letter of Closure or Letter of Finding.

1. Letter of Finding – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Valley Transit District to address the complaint.

2. Letter of Closure – This letter will explain why Valley Transit District has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of Valley Transit District, an opportunity to appeal the decision may be pursued provided the complainant files notice of appeal within 21 days of the initial decision of Valley Transit District.

In the event of appeal, the complainant will be granted all due process, including the ability to present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

Designated Employee

Valley Transit District shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Emily Acuna

ADA Coordinator

Valley Transit District

41 Main Street, Derby, CT, 06418

203-735-6824 ext. 102

rmrequests@valleytransit.org

Record Retention

Valley Transit District will maintain all records related to reasonable modification requests and denials for at least three (3) years.

