

Reasonable Modification Procedure

Document Management Information			
Person responsible:	Director of Operations		
Area of application:	Operations Department		
Document location:	SharePoint/Mobility/Procedure/		
Original issue date:	3/2/16		
Revisions			
Rev. No.	Date	Description	
001			
Recurring Action Items		Responsibility	Frequency
1.	Review laws, regulations, and other state and federal regulations as applicable for new requirements or when changes in workforce practices occur.	Mobility Department	Triennial
2.	Review and modify this procedure as needed to remain in compliance with appropriate laws and regulations.	Mobility Department	Triennial
Approval Signature			
			
Signature		Date	

1.0 Purpose

- 1.1. This procedure outlines the steps that RTD will follow to ensure its services and programs are accessible to individuals with disabilities; it also outlines the steps for reviewing requests for reasonable accommodations and modifications.
- 1.2. This procedure is in compliance with the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 section 504 (Section 49 CFR Parts 27.13 and 37.5, 37.169: Transportation for Individuals with Disabilities; Reasonable Modification).

2.0 Scope

- 2.1. This procedure summarizes the responsibilities that RTD staff and its contractors have for accommodating modifications to operating rules, policies, and procedures when necessary to allow individuals with disabilities to use RTD services.
- 2.2. This procedure outlines the ADA written requests and appeals process that staff will follow to make reasonable accommodations and/or modifications.
- 2.3. This procedure provides specific FTA and ADA guidelines for approving or denying reasonable accommodation and/or modification requests.

3.0 Responsibility

- 3.1. **Mobility staff:** Coordinate RTD's efforts to comply with ADA's reasonable accommodation mandate, review appeal requests, prepare information for RTD's appeals committee, and oversee the customer comment procedure.
- 3.2. **Operations staff:** Staff who interact with customers (e.g., Coach Operators, Transit

Reasonable Modification Procedure

Ambassadors, Transportation Supervisors, Transit Police, RTD Security, and Customer Service Staff) shall comply with this procedure and suggest appropriate ADA improvements to their manager/supervisor.

- 3.3. **Customer:** Request ADA accommodations or modifications in advance whenever feasible. For example, this can occur during the paratransit eligibility process, through customer inquiries, or through RTD's customer comment procedure.

4.0 Definitions

- 4.1. **Reasonable accommodation or modification:** A change, exception, or adjustment that RTD can make to its rules, policies, practices, and procedures to provide a customer with a disability an equal opportunity to use RTD's services. For the purpose of this document, 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.
- 4.2. **Reasonable Modification Appeals Process:** A process a customer with disabilities may choose to undergo if they were denied reasonable accommodation or modification.

5.0 Process

- 5.1. **In-field requests:** When a request for accommodation or modification is not determined in advance, RTD staff and contractors shall make a determination of whether the accommodation or modification should be provided at the time of request.
- Staff and contractors shall make every attempt to provide reasonable accommodations or modifications when necessary to avoid discrimination on the basis of disability.
 - Staff shall consult with their supervisors, managers, or directors before making a determination to grant or deny the request.
 - Contractors shall consult with a member of their management team—who will consult with RTD's Operations Management when possible—prior to the accommodation or modification.
- 5.2. **Written requests:** If a customer's request for modification could not be granted in the field as outlined in 5.1, staff shall inform customers that they may complete the [Reasonable Modification Request Form](#) for consideration. The form can also be obtained at the Downtown Transit Center (421 East Weber Ave, Stockton, CA 95202).
- The customer may choose instead to submit a formal, written letter to make the request. Staff shall advise the customer to make the accommodation or modification request as specific as possible. In addition, the written request must explain why the accommodation or modification is needed in order to use RTD's services.
 - The formal letter or completed request form may be emailed to mobility@sanjoaquinrtd.com or be printed out and mailed to:
San Joaquin RTD
Attention: Mobility Department
PO Box 201010
Stockton, CA 95201
- 5.3. **Review of written requests:**
- 5.3.1. The Mobility staff will notify the Operations Superintendent—Transportation once the request has been received.
- 5.3.2. Mobility staff will log the request for recordkeeping.
- 5.3.3. Mobility staff will work with Operations Management Staff and/or Executive Staff to

Reasonable Modification Procedure

approve or deny the accommodation or modification requested following these guidelines:

- Reasonable accommodation or modification request may only be denied on one or more of the following grounds:
 - Granting the request would fundamentally alter the nature of RTD's services.
 - Granting the request would create a direct threat to the health or safety of others.
 - Without the requested accommodation or modification, the individual with a disability is able to fully use RTD's services for their intended purpose (the request is not necessary).
 - Granting the request would create an undue financial or administrative burden.
 - In choosing among alternatives for meeting nondiscrimination and accessibility requirements, RTD shall give priority to those methods that offer services, programs, and activities in the most integrated setting appropriate to the needs of individuals with disabilities.
 - RTD shall be guided by the provision of Appendix E to Part 37 in determining whether to grant a requested accommodation or modification.
- 5.3.4. Once RTD staff reaches a decision regarding the accommodation or modification request, Mobility staff will notify the customer of its decision by mail within 30 days of receipt of the request.

5.4. **Appeals requests:** Customers with disabilities who were denied reasonable accommodation or modification may file a written comment within 60 days of receiving the denial letter. The appeals process must be completed in writing. Customers may contact RTD's Mobility staff at (209) 943-1111 to obtain a copy of the form. The form may be submitted via email to mobility@sanjoaquinrtd.com, fax to (209) 948-3024 (Attention: Mobility staff), mailed to the address above, or submitted in person at the Downtown Transit Center (DTC) located at 421 E. Weber, Stockton, CA 95202.

5.5. **Review of Appeals:** If RTD denies a request for a reasonable accommodation or modification, RTD shall take all necessary actions (that would not result in a direct threat or fundamental alteration) to ensure that the individual with a disability receives the services provided by RTD. The following outlines the review process for appeals:

- Upon receipt of a request, RTD will assemble an appeals panel.
 - The panel will consist of a Mobility staff, a member of RTD's Access Advisory Committee (AAC) and an RTD Operations employee—these would be staff who were not involved in the initial review of the case.
 - RTD will establish the appeal date and time based on the availability of the three panel members and within 30 days of receiving the appeals request.
- The panel will meet and make final determination/decision based on information from the appellant, ADA regulations, and exceptions to the rule specified in the regulation (refer to 5.3. for guidelines).

6.0 References/Related Documents

- 6.1. Appendix E to Part 37—Reasonable Modification Requests
- 6.2. [Section 49 CFR Parts 27 and 37: Transportation for Individuals with Disabilities; Reasonable Modification](#)