

City of Charlottesville/Charlottesville Area Transit Request for Reasonable Accommodation Policy and Process

Background of Reasonable Modification Regulations

As part of the Federal Register Vol. 80, No. 49 (80FR13253), the Federal Department of Transportation 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."

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, or activity or result in an undue financial and administrative burden. This requirement applies to both fixed-route and paratransit services. The City of Charlottesville / Charlottesville Area Transit (CAT), provides transportation services as CAT for fixed route and uses the services of JAUNT for ADA Complementary Paratransit.
2. When considering changes to facilities or transportation services, CAT must consider the most integrated setting appropriate for individuals with disabilities.
 - a. However, CAT 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. CAT 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 Origin-to-Destination service means providing service from a passenger's origin to the passenger's destination. Under this new definition, a provider may provide ADA complementary paratransit in a curb-to-curb or door-to-door mode; however, for curb-to-curb service: a provider must provide 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 of the service, or present a direct threat to the driver, other riders/individuals, or the paratransit vehicle.

Procedures for Requests for Reasonable Accommodation

Whenever feasible, requests for modifications shall be made in advance, before the requested modification is expected to be provided in service. Requests can be reviewed by the following authorized staff: CAT Assistant Operations Manager and/or the JAUNT Assistant Executive Director.

CAT acknowledges that, due to the unpredictable nature of transportation, some requests for reasonable modification may be made during transportation. As such, an operating supervisor or dispatcher shall make a determination of whether the modification should be provided at that time.

Reasonable modification requests will be processed in the following manner.

Requests regarding **CAT (fixed route), JAUNT (paratransit) and transit facilities** may be submitted by email, written mail or phone to:

CAT Assistant Operations Manager

Email: leej@charlottesville.org

Mail: 1545 Avon Street Extended, Charlottesville, VA 22902

Phone: (434) 970-3649

All requests will be logged into a Reasonable Modification/Accommodation spreadsheet noting the requestors name, date, contact information, specific modification request, outcome and requestor date of notification.

Information and forms regarding requesting reasonable modifications will be available on the website www.CatchTheCAT.org ; as well printed materials normally provided by our agency (i.e. rider guides, notices).

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.

5. All requests for modifications (reasonable or otherwise) will be assigned to the CAT Assistant Operations Manager or JAUNT Assistant Executive Director for review and evaluation. Prior to determination, the Assistant Operations Manager or Assistant Executive Director will consult with agency operations staff and/or ADA Eligibility Assessor 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 CAT staff who determine Paratransit Eligibility and JAUNT staff.

8. All reasonable modification requests will be acknowledged within 3 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 at the authorized staff level and documented as to why the resolution requires additional time for full resolution.

Denying Request for Modification Requests for modification of CAT policies and practices may be denied only on one or more of the following grounds:

1. Granting the request would fundamentally alter the nature of CAT services, programs, or activities;
2. Granting the request would create a direct threat to the health or safety of others (including drivers and other passengers, but not including the requesting party);
3. Without the requested modification, the individual with a disability is able to fully use CAT services, programs, or activities for their intended purpose; or
4. In the case of recipients of federal financial assistance, granting the request would cause an undue financial and administrative burden.
5. If CAT denies a request for a reasonable modification, CAT shall take, to the maximum extent possible, any other actions (that would not result in a direct threat or fundamental alteration) to ensure that the individual with a disability receives the services or benefit provided by CAT.

EXAMPLES:

The DOT has provided a helpful summary of examples of reasonable modification requests and which requests may/may not be denied because they would result in a fundamental alteration of service or direct threat. For more details regarding examples, refer to 49 CFR Appendix E to Part 37 (in 80 FR 13253).

CAT WILL GRANT THE FOLLOWING REQUESTS, UNLESS

Granting the request (a) poses a direct threat (including resulting in a vehicle being left unattended or out of visual observation for a lengthy period of time), or (b) is a fundamental alteration of service. There may be additional requests that can be granted, but are not listed.

Getting On and Off the Vehicle & to the Door: JAUNT Paratransit

1. Request to be picked up at the front door of their home.
2. Request for the driver to open an exterior entry door to a building in order to provide boarding and/or alighting assistance.
3. Request for a driver to help navigate an incline (e.g., a driveway or sidewalk) with the passenger's wheeled mobility device.
4. Assistance in traversing a difficult sidewalk (e.g., one where tree roots have made the sidewalk impassible for a wheelchair).
5. Assistance around obstacles (e.g., construction areas) between the vehicle and the door of a passenger's origin or destination.
6. Request to be assisted between an origin/destination and vehicle during extreme weather conditions.
7. A passenger's request for assistance means that the driver will need to leave passengers aboard a vehicle unattended (other than for an extended period of time resulting in loss of driver's visual contact with the vehicle).

Getting On and Off the Vehicle and to the Door: JAUNT and CAT:

8. Wheelchair user requests to board a vehicle separately from his or her device when the occupied weight of the device exceeds the design load of the vehicle lift.

Positioning the Vehicle: CAT Buses:

9. 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.

Positioning the Vehicle: JAUNT Paratransit:

10. Pick up and drop off at the entrance requested by the passenger, rather than at a location that has been predetermined by the transportation agency.

11. Pick up on private property with a security barrier. Yes, and operator should work with passenger to get permission of the property owner to access the private property.

12. Request that a paratransit vehicle navigate to a pick-up point to which it is difficult to maneuver a vehicle, but not impossible or impracticable to access (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).

Fares: JAUNT Paratransit and CAT:

13. Handle fare media when the passenger with a disability cannot pay the fare by the generally established means (e.g., in a situation where a bus passenger cannot reach or insert a fare into the farebox).

Food, Medicine & Special Requests: JAUNT and CAT:

14. 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.

15. Allow individuals to take medicine including administering insulin injections and conducting finger stick blood glucose testing.

16. Request for Personal Care Attendant to travel with a passenger.

17. Provide otherwise-allowed assistance for a return trip regardless of whether the passenger needed it on the initial trip (e.g., reasonable modifications for a dialysis patient who just received treatment).

18. Passenger requests a telephone call 5 minutes (or another reasonable interval) in advance or at time of vehicle arrival.

CAT WILL NOT GRANT THE FOLLOWING REQUESTS

The following requests (a) pose a direct threat, or (b) pose a fundamental alteration of service and will not be granted. There may be additional requests that cannot be granted, but are not listed.

Getting On and Off the Vehicle & to the Door: JAUNT:

1. Request for "door-through-door" service (i.e., assisting the passenger past the door to the building).

Getting On and Off the Vehicle & to the Door: JAUNT & CAT:

2. Request for a 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.

3. 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.

Positioning the Vehicle: CAT:

4. Establish flag stop or route-deviation policies.

Positioning the Vehicle: JAUNT:

5. Violate the law or lawful access restrictions to meet the passenger's requests to pick them up on private property with a security barrier.
6. Request exposes the vehicle and its occupants to hazards, such as running off the road, getting stuck, striking overhead objects, boarding or alighting from the vehicle driver side when on street, or reversing the vehicle down a narrow alley.

Fares: JAUNT and CAT:

7. Reach into pockets or backpacks in order to extract the fare media.
8. Pay the fare for the passenger when the passenger cannot or refuses to pay the fare.

Food, Medicine & Special Requests: JAUNT and CAT:

9. Provide medical assistance.
10. Request for service outside the service area or operating hours.
11. Request that a transportation agency provide a Personal Care Attendant.
12. Care for a service animal.
13. Request for a specific driver.
14. 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 ADA or DOT rules.
15. 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).
16. Request for an exclusive paratransit trip as JAUNT is a shared ride service..
17. Request for a specified vehicle model that will result in an exclusive paratransit trip as JAUNT is a shared ride service.
18. Request for a driver to make an intermediate stop that would disrupt schedules and inconvenience other passengers.
19. Request to Avoid Specific Passengers as both JAUNT and CAT are shared ride services.



REASONABLE ACCOMMODATION REQUEST FORM

Please complete this form to request a reasonable accommodation of CAT's Fixed Route transit services. Submit the form, **ATTN: Assistant Operations Manager**, via U.S. Mail at 1545 Avon Street Extended, Charlottesville, VA 22902 or via fax at (434) 970-3841.

DATE: _____ NAME: _____

PHONE: _____ ADDRESS: _____

DESCRIPTION OF REQUEST: _____

LOCATION AND ROUTES USED: _____

ARE YOU ABLE TO ACCESS SERVICES WITHOUT THIS MODIFICATION: _____

ALL REQUESTS WILL BE REVIEWED AND DECISIONS RENDERED WITHIN 10 WORKING DAYS FOLLOWING RECEIPT OF THIS COMPLETED FORM BY THE ASSISTANT OPERATIONS MANAGER. FOR INQUIRIES, CONTACT CAT AT (434) 970-3649.