

**GOLDEN CRESCENT REGIONAL PLANNING COMMISSION
TRANSPORTATION PROGRAM
REASONABLE MODIFICATION POLICY**



Introduction: Per the Americans with Disabilities Act, regional transit providers who receive federal financial assistance are committed to responding to requests for reasonable modifications of their policies, practices, or procedures.

Riders may request a modification from an Bus Operator for example a passenger with diabetes or another medical condition requests to eat or drink aboard a vehicle in order to avoid adverse health consequences. The request should be granted, even though GCRPC service guide has a policy that prohibits eating or drinking while onboard the vehicle. Additionally, a request may be submitted prior to an event requesting written materials be printed in a large font size.

Requirements

Federal funding recipients must make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability unless recipients can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity or result in an undue financial and administrative burden. This requirement applies to all services.

When considering changes to facilities or transportation services, GCRPC must consider the most integrated setting appropriate for individuals with disabilities.

- a. However, GCRPC 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. GCRPC 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.

Transportation agencies must provide "Origin-to-destination service" for paratransit riders. 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 Operator, other riders/individuals, or the paratransit vehicle.

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Requesting a Reasonable Modification

- Individuals requesting modifications shall describe what they need in order to use the service.
- Individuals requesting modifications are not required to use the term “reasonable modification” when making a request.
- Whenever feasible, requests for modifications shall be made in advance, before the transportation provider is expected to provide the modified service.
- When a modification is requested and it appears practicable, Operators may be required to decide if the modification should be provided immediately. Operators will consult with a supervisor or manager before deciding to grant or deny the request.

Procedures for Requests for Reasonable Modification

All requests will be logged into a reasonable modification spreadsheet noting the requestors name, date, contact information, specific modification request, outcome and requestor date of notification. Individuals requesting modifications will be asked to supply sufficient detail within the request so that agency staff may effectively evaluate the request.

- Certain requests for modifications (reasonable or otherwise) will be considered by the Director of Transportation Services for review and evaluation. Prior to determination, the Director of Transportation Services or his/her designee will consult with agency operations staff regarding requests for reasonable modification.
- Note that some requests for reasonable modifications may be submitted during the paratransit eligibility process or through other authorized staff, 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.
- 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 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.

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Reasonable Modification Appeal Process

An individual, who has requested a reasonable modification of a transit entity's policies, practices, or procedures and has been denied, may file an appeal.

- Individuals can call Victoria Transit at (361) 578-8775, request an "Reasonable Modification Appeal Form", and have one sent to them via U.S. Mail, electronic mail or fax.

An individual can request the following:

- Telephone Hearing
- Face-to-Face Hearing
- Waive a Hearing and proceed with a Written Presentation provided by the rider.

Although the hearings are meant to be informal, the individuals can bring a representative. Who will hear the Appeal and make a determination if the decision should be overturned or stand as originally presented:

- Director of Transportation Services
- 2 Individuals who represent the disability community
- 1 Para-transit rider

An individual will have the right to appeal the decision on a reasonable modification request by notifying the Director of Transportation either by telephone at (361)578-1587 ext. 207 or in writing to the address below within 15 business days of receipt of written request of modification.

GCRPC Transit
Attn: Director of Transportation
1908 N. Laurent St. Suite 600
Victoria, Texas 77901

If after 15 business days have passed and the individual has not appealed the reasonable modification decision, the decision will proceed as provided in the written notification to the individual. The Transportation Operations Coordinator, upon receiving a request for an appeal will gather all the appropriate documentation and submit it to the Director of Transportation Services for review. After the appeal has been presented and the appeal committee has made their determination, detailed written documentation will be sent to the individual.