

# Reasonable Modification Policy

## LAKE HAVASU CITY TRANSIT 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 Individual 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 modification/accommodations to policies, practices, and procedures to avoid discrimination and ensure that their programs are accessible to individuals with disabilities."*

### **Requirements**

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. This requirement applies to both fixed-route and paratransit services.

### **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 to [transit@lhcaz.gov](mailto:transit@lhcaz.gov) written mail to 900 London Bridge Rd Bldg. B, Lake Havasu City, AZ. 86404 Attn: ADA Specialist, by phone at (928) 453.7600, or verbally to Lake Havasu City Transit office staff. All requests will be logged into a Reasonable Modification log noting the requestors name, date, contact information and specific modification requests being made.
2. Information regarding requesting reasonable modifications will be available on Lake Havasu City Transit's website [www.lhctransit.org](http://www.lhctransit.org) as well as rider's guides and paratransit handbooks.
3. Individuals requesting modification 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. Lake Havasu City Transit acknowledges that, due to the unpredictable nature of transportation, some requests for reasonable modification may be made while in transit. As such, operations personnel shall make a determination of whether the modification should be provided at that time.
5. All requests for modification (reasonable or otherwise) will be assigned to Lake Havasu City Transit's ADA Specialist for review and evaluation. Prior to determination, the ADA Specialist will consult with operations staff regarding requests for reasonable modification.

6. Some requests for reasonable modification may be submitted during the paratransit eligibility process or through other customer service inquiries, and as such, operations 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 reviewed by management before making a determination to grant or deny the request.
7. Training regarding these procedures will be provided to Lake Havasu City Transit staff who interact with the public; specifically: managers, dispatchers, and customer service representatives.
8. All reasonable modification requests that require a review 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 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@lhcaz.gov](mailto:transit@lhcaz.gov), written mail to 900 London Bridge Rd. Bldg. B, Lake Havasu City, AZ. 86404 Attn: Transit Manager, or by phone at (928) 453.7600. All complaints will be logged into a Reasonable Modification log noting the complainant's name, date, contact information, the 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 his 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 Modifications 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.