# Agenda

**Transportation Professionals Advisory Committee (TPAC) Meeting**

**Thursday, May 14, 2015**

9:30 a.m. - 11:30 a.m.

Access Services Headquarters
3449 Santa Anita Avenue
3rd Floor Conference Room
El Monte CA, 91731

## TPAC Mission Statement

Through our diversity and expertise in the transportation industry, the Transportation Professionals Advisory Committee provides the Access Board our perspective, advice, and advocacy with an understanding of the community, environment, and regulations.

TPAC promotes innovative, cost effective and high quality specialized transportation solutions.

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Access Services does not discriminate on the basis of disability. Accordingly, Access Services seeks to ensure that individuals with disabilities will have an equal opportunity to participate in the range of Access Services events and programs by providing appropriate auxiliary aids and services to facilitate communication. In determining the type of auxiliary aids and services for communication that will be provided, primary consideration is given to the request of the individual with disabilities. However, the final decision belongs to Access Services. To help ensure availability of those auxiliary aids and services you require, please make every effort to notify Access Services of your request at least three (3) business days (72 hours) prior to the meeting in which you wish to utilize those aids or services. You may do so by contacting (213) 27C-6000.

Note: ASI board meetings are held pursuant to the Ralph M. Brown Act [Cal. Gov. Code §54950] and are open to the public. The public may view and obtain all written information supporting this agenda provided to the board both initially and supplementary prior to the meeting at the agency's offices located at 3449 Santa Anita Avenue 3rd Floor, El Monte, California and on its website at [http://accessla.org](http://accessla.org). Documents, including Power Point handouts distributed to Board Members by staff or Board members at the meeting will simultaneously be made available to the public. Three opportunities are available for the public to address the board during a board meeting: (1) before closed session regarding matters to be discussed in closed session, (2) before a specific agendized item is debated and voted upon regarding that item and (3) general public comment. The exercise of the right to address the board is subject to restriction as to time and appropriate decorum. All persons wishing to make public comment must fill out a yellow Public Comment Form and submit it to the Secretary to the Board. Public comment is generally limited to three (3) minutes per speaker and the total time available for public comment may be limited at the discretion of the Chairperson. Persons whose speech is impaired such that they are unable to address the board at a normal rate of speed may request the accommodation of a limited amount of additional time from the Chair but only by checking the appropriate box on the Public Comment Form. Granting such an accommodation is in the discretion of the Chair.

The Board of Directors will not and cannot respond during the meeting to matters raised under general public comment. Pursuant to provisions of the Brown Act governing these proceedings, no discussion or action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. However, the board may direct staff to investigate and/or schedule certain matters for consideration at a future Board of Directors Meeting and the staff will respond to all public comment in writing prior to the next board meeting.
CALL TO ORDER

Chairperson Linda Evans called the meeting to order at 9:40 a.m.

INTRODUCTIONS

TPAC members and alternates in attendance: Linda Evans (LADOT), Kathryn Engel (Glendale), Gracie Davis (OCTA), Benjamin Alcazar (Metro), James Lee (Torrance Transit), Sebastian Hernandez (Pasadena), Jesse Valdez (Eastern Los Angeles Regional Center), Dana Fynn (Long Beach), David Feinberg (Santa Monica’s Big Blue Bus) and Diane Amaya (Redondo Beach).

TPAC Members absent: Evelyn Galindo (South Central Los Angeles Regional Center)  
Jose Medrano (Montebello Bus Line).

Guests: McCloud Transportation Consulting


APPROVE MARCH, 2015 MEETING MINUTES

Motion: Chairperson Evans entertained a motion to approve the March, 2015 minutes.
Vote: All members were in favor to approve the minutes without changes and the motion passed.

GENERAL PUBLIC COMMENT

No General Public Comment heard at this time.

SAFETY PROGRAM UPDATE

Mike Greenwood, Director of Safety and Risk Management provided TPAC members with an update about the Safety department. The Safety and Risk Management Department have been working with the Service Providers to identify and create solutions regarding safety. Staff has been implementing training tools and resources for preventable accidents, along with increased awareness among drivers. During the
presentation, Mike showed several video (SmartDrive) clips of Access vehicles involved in an accident.

**PROPOSED FARE SYSTEM**
Andre Colaiace, Deputy Executive Director, Planning and Governmental Affairs, presented the proposed fare concepts, outlining the differences between the presented options. TPAC members engaged in robust discussion and recommended that the Board consider that proposed fares are rounded down to the nearest Dollar with a $4 fare cap. TPAC felt this would be the least costly option for Access customers.

**General Public Comment**
Victor Dominguez (Access customer) expressed concerns about the fare proposal. Mr. Dominguez felt that the fare proposals would impose a financial burden on Access customers most of whom already live on fixed incomes. Mr. Dominguez understands that the FTA is requiring Access to comply.

**CUSTOMER SERVICE OPERATIONAL REVIEW**
Sherry Kelley, Senior Manager of Customer Service, along with McCloud Transportation Consultants provided an update on the Comprehensive Review of Customer Service. McCloud Transportation is still conducting its review and the final report will be released in the coming weeks.
MAY 14, 2015

TO: ACCESS TRANSPORTATION PROFESSIONALS ADVISORY COMMITTEE

FROM: STEVE CHANG, DEPUTY DIRECTOR OF OPERATIONS

RE: DRAFT REASONABLE MODIFICATION POLICY

ISSUE:

The adoption of the United States Department of Transportation (DOT) Reasonable Modification rule making requires Access to develop and implement a policy and procedures to achieve compliance by July 13, 2015.

RECOMMENDATION:

Staff is requesting Access’ advisory committees to consider and approve the draft Reasonable Modification Policy effective July 1, 2015.

BACKGROUND:

After almost 9 years, on March 13, 2015 the DOT announced the adoption of its 2006 Reasonable Modification rule making. This was made possible through a DOT finding that the rulemaking was not significant and thus did not need OMB approval. Reasonable Modification requires that as to both fixed route and complementary ADA paratransit, “reasonable modifications” of their policies, practices and procedures be made upon request in order to ensure that the services are actually useable by a qualified person with disabilities unless it can be demonstrated that doing so (i) would fundamentally alter the nature of the service, program or activity, (ii) would result in a direct threat to the health or safety of others, or (iii) without the requested modification, the individual with a disability is able to fully use the entities services, programs or activities, or (iv) to grant the request would create an undue financial or administrative burden.
“Origin to destination” is thus only one aspect of reasonable modification and its new definition is now contained in 49 CFR §37.3.

Under this new schema, one or more employees must be designated to coordinate compliance efforts. In addition the entity must adopt procedures that incorporate appropriate due process standards and provide for prompt and equitable resolution of complaints meeting specified criteria (49 CFR§§37.17, 37.169). The rule making requires compliance by July 13, 2015. However in lieu of the planned implementation of the “Beyond the Curb” policy by July 1, 2015 staff is opting to also implement Reasonable Modification Policy by July 1, 2015.

In conjunction will legal counsel staff has developed procedures that will ensure compliance with the proposed Reasonable Modification Policy (RMP). This includes the following -

- **Reasonable Modification Coordinator (RMC)**
  Identifies the role and responsibilities of the RMC including the management of reasonable modification requests.

- **Notification of Availability of Reasonable Modification Process**
  Identifies how Access will advertise the RMP in print and website materials

- **Making Reasonable Modification Requests**
  Identifies the process of how to make RM requests whether it is prior or during a service request.

- **Determinations of Reasonable Modification Requests**
  Methodology for granting/denying RM requests by the RMP through a set of criteria as defined by the policy.

- **Complaints Regarding Reasonable Modification Denial**
  Appeal process for RM requests that have been denied.

These procedures may require some tuning as experience with the policy grows. Some operational policies may need to be permanently modified depending on the magnitude of certain requests over time.
Access’ Draft Reasonable Modification Policy is as follows -

“Access Services will, upon timely request by an eligible rider or an applicant for eligibility to ride Access Paratransit or their authorized representative, modify its policies, practices and procedures where necessary to avoid discrimination on the basis of disability or where the individual with a disability would otherwise be unable to use its services, programs or activities provided that doing so: (i) is within the power of Access, and (ii) will not fundamentally alter the nature of its services; and/or (iii) will not constitute a direct threat to the health and safety of others; and/or (iv) will not impose an unreasonable financial or administrative burden; and/or (v) will not require the commission of an illegal act.”

The following section details the policy and procedures related to the above.
ACCESS SERVICES
REASONABLE MODIFICATION
POLICY AND PROCEDURES MANUAL

Background
In 2005, the DOT provided guidance that the terms “origin to destination” as used in the regulations required under some circumstances modification of an agency’s curb-to-curb service model to accommodate riders who needed it. This guidance is as of March 13, 2015 made a part of the DOT regulations [37.3 Origin to Destination] effective July 13, 2015 and is addressed in this Manual as an integrated part of Reasonable Modification.

On March 13, 2015 the DOT amended its Title IIB rules to require that transportation entities make reasonable modifications to their policies, practices, and procedures to avoid discrimination and ensure that their programs are accessible to individuals with disabilities. (80 Fed Reg 49: 13253 et seq.)

A reasonable modification for purposes of Complementary ADA paratransit is a modification to policies, and practices or procedures of the agency requested by a eligible rider without which there would be discrimination on the basis of disability or the individual with a disability would be unable to fully use the entity’s services, programs or activities and:

1. which would not fundamentally alter the nature of the service, program or activity; and/or
2. which would not result in a direct threat to the health or safety of others; and/or
3. which would not result in an undue financial or administrative burden

Introduction
This manual sets out policies and implementing procedures for the requests for a reasonable modification of Access policies, practices and procedures, the handling of such requests and the handling of complaints arising out of or with respect to determinations made in connection with such requests. Each policy is numbered and dated. Beyond the Curb or Origin to Destination services as a modification of the curb-to-curb service model and policy are expected to be the most significant type of request and are therefore specifically addressed in this Manual.
This Manual is intended to be a working resource for all staff and contractors
involved with Reasonable Modification Requests and complaints. As new policies and procedures are added, existing policies and procedures are modified or enhanced, and old policies and procedures retired, updates to this manual will be issued.
To facilitate updating, each policy and its implementing procedures are discussed individually, with a space to indicate the date “revised.” The back-side of each page is left blank so that notes may be added to enhance or elaborate upon given procedures. Sometimes additional material (i.e. customer information brochures, historical notes, internal memos, approved forms etc.) may be inserted immediately following a particular policy and its related procedures to help provide further understanding and guidance. Because Reasonable Modification affects all other policies, this policy manual should be consulted first.
It is the responsibility of every individual working in reasonable modification request determinations, at any level, to be familiar with the material in this manual. As revisions occur and additions are prepared it will be the responsibility of those serving in supervisory roles (i.e. Project Managers) to ensure all employees are aware of the changes. Documentation of the initial training and updates shall be recorded as part of the employee’s individual training record.
POLICY: Access Services will, upon timely request by an eligible rider or an applicant for eligibility to ride Access Paratransit or their authorized representative, modify its policies, practices and procedures where necessary to avoid discrimination on the basis of disability or where the individual with a disability would otherwise be unable to use its services, programs or activities provided that doing so: (i) is within the power of Access, and (ii) will not fundamentally alter the nature of its services; and/or (iii) will not constitute a direct threat to the health and safety of others; and/or (iv) will not impose an unreasonable financial or administrative burden; and/or (v) will not require the commission of an illegal act.

IMPLEMENTING PROCEDURES:
1. The following sections shall detail the roles and procedures implementing this policy.
   - Reasonable Modification Coordinator
   - Notification of Availability of Reasonable Modification Process
   - Making Reasonable Modification Requests
   - Determinations of Reasonable Modification Requests
   - Complaints Regarding Reasonable Modification Denial

2. Access has appointed the Reasonable Modification Coordinator and adopted the procedures set forth in this Manual in order to coordinate compliance with this policy and applicable DOT regulations on which it is based.

3. Specific procedures/policies developed in relation to Reasonable Modification (i.e. Beyond The Curb) shall also be included as part of this manual.
Access shall appoint a Reasonable Modification Coordinator ("RMC") to coordinate the efforts of Access to comply with reasonable modification requirements of applicable federal regulations under Title II B of the ADA. The Identity of the RMC shall be announced to the riders. The RMC shall have authority, alone, or at their election, in concert with others, to make a determinations regarding a reasonable modification requests as are by this Manual delegated to them but only as to the rider or the specific trip. Overall revisions of policies, practices or procedures are the exclusive province of the Board of Directors. The RMC shall also be responsible for coordinating the handling of all complaints regarding reasonable modification decisions in accordance and consistent with the provisions of this Manual and applicable regulations.

IMPLEMENTING PROCEDURES:

1. **RMC Role:** The RMC shall with the aid of appropriate staff, receive, consider and timely determine, in accordance with standards set forth in this Manual, all requests for reasonable modification except for:
   a. Beyond the Curb services to riders prequalified to receive them by the eligibility evaluator;
   b. Requests at the time of service or reservation which are granted by the service provider in conformance with the provisions of this Manual.

The RMC shall also address complaints regarding denial of requests as untimely by drivers and/or call takers. All other complaints regarding denials of requests for reasonable modification made by the RMC shall be referred to the Deputy Executive Director of Operations.
2. **Data log:** The RMC shall keep a data log of all advance requests received and/or processed and the outcome of those requests. This log shall include the following information:
   a. How the request arose (e.g. at eligibility, before time of service, at time of service)
   b. Date of receipt of request
   c. Requestor/Customer Name
   d. Requestor/Customer ID
   e. The general nature of the request including whether it was in advance of service or at the time of service.
   f. Whether granted or denied.
   g. If denied, the basis for the denial.
   h. Whether and/or what alternative modifications were considered.
   i. The date that the decision was communicated.

3. **Communication:** The RMC shall timely communicate his or her decisions and the reasons therefore to the requesting party and any other affected person or entity in accordance with the provisions of this Manual and the Access general complaints resolution policy. The communication can but need not be in writing.

4. **Rider 360 Entries:** The RMC shall make appropriate entries in the rider’s Rider 360 file and/or eligibility file so as to document and reflect the decision.

5. **Coordination:** The RMC shall coordinate the request/complaint process set forth in this Manual. [See Procedures 2.0 – 4.0]
Access will make readily available to eligible riders and applicants for eligibility notice of the availability of reasonable modification, the identity of its RMC, the process for requesting reasonable modification and the circumstances and method by which complaints regarding the outcome of reasonable modification requests can be made.

**IMPLEMENTING PROCEDURES:**

1. Access shall prepare information about reasonable modification criteria and the Access determination process for distribution to eligible riders, potential applicants and other interested parties through its Rider’s Guide and website.
   a. Such information shall include:
      i. general information about reasonable modification and Beyond the Curb service;
      ii. a detailed description of the Access determination process;
      iii. form(s) needed to undertake the application process;
      iv. brief description of the complaints process;
      v. the phone number for oral requests;
      vi. the name, address, telephone number and email address of the RMC;
      vii. invitation to seek additional information or assistance from RMC or Customer Service staff.
   b. All of the above materials shall be available in alternate formats and in Spanish upon request.

2. Materials about Access policy and procedures shall be available via the Access website, Eligibility Contractors, Outreach staff, and the RMC.

3. Multiple copies of the materials described above may be provided to local disability services organizations upon request.

4. Persons who desire very detailed information, including copies of the Access reasonable modification process shall be assisted by staff in the office of the RMC.
Requests for reasonable modification, including, without limitation, Beyond the Curb (Origin to Destination) Service, shall to the extent feasible: (i) be made at eligibility or, where not then known or feasible, (ii) prior to the provision of the service to which they relate. Requests for reasonable modification, where feasible, must be made in writing on forms provided by Access and at the earliest feasible time. Requests that are not made at the earliest feasible time which if granted would cause delay, inconvenience to other riders or otherwise interfere with operations may be temporarily denied until they can be considered by the RMC. Where the rider is unable to use forms, the request may be made orally via recorded telephone call. Where a request in advance of service is not feasible, the request may be made orally to the service provider at the time of service. In addition, Access will on a regular basis review its general complaints to determine whether a reasonable modification is implicated though not specifically requested. The requests shall be directed as indicated in the implementing procedures for this policy.

IMPLEMENTING PROCEDURES
1. Timing and Method of Requests:
   
a. Requests made at Eligibility
   It is preferable, where feasible, for a reasonable modification request to be made at the time of eligibility evaluation. Requests for Beyond the Curb (Origin to Destination) services shall, except as otherwise provided in that policy #2, be directed to and determined by the eligibility evaluator utilizing the applicable policies and procedures of this manual. All other reasonable modification requests made at that time shall be referred to the RMC for determination.

b. Requests made in Advance of Service
   Requests made in advance of service other than at eligibility shall
be made, where feasible, in writing on the Access form supplied for such purpose and determined by the RMC. Please see “Reasonable Modification Request Form” at the end of this Manual.

c. Requests made at time of booking trip
Riders prequalified at eligibility for a Beyond the Curb service falling within the BTC guidelines may make a particular request for a particular trip or destination orally at time of booking the trip and direct that request to the call taker.

All other requests for reasonable modification made at the time of reservation will be temporarily denied and referred to the RMC.

d. Requests made at time of service
Riders prequalified at eligibility for a Beyond the Curb service falling within the BTC guidelines may make a particular request for a particular trip or destination orally at time of service and direct that request to the driver.

All other reasonable modification requests at the time of service (except those necessary to address an emergency) which would cause delay, inconvenience to other riders or otherwise interfere with operations may be temporarily denied until they can be considered by the RMC with respect to future service.

2. Identification of Need: In all cases the rider must identify the need for the modification.

3. Denial documentation: All denials of a request for reasonable modification must be appropriately documented. Where the denial is during the reservation or service process, such documentation will consist of an appropriate entry in the notes field of the trip record by the call taker or dispatcher or by the driver via an incident report.

4. Alternate Modifications: In case of denial, alternate modifications that might achieve the same intended result shall be considered.
Determination of reasonable modification requests shall be made in a timely manner by the person or persons charged with such determination in accordance with applicable law and applying the applicable implementing procedures of the Reasonable Modification Policy.

IMPLEMENTING PROCEDURES:

1. **Beyond the Curb (BTC) Services**

Access Contractors will grant and provide beyond the curb services requested by prequalified riders which: (i) fall within the scope of those services delineated in the BTC policy; (ii) where requested at the time of booking or reservation; (iii) are within the scope of the rider's prequalification; and (iv) not a direct threat.

Access Contractors will make reasonable efforts to accommodate BTC service requests delineated within the BTC policy even where the request is not made at the time of reservation but rather at the time of service by any rider, whether or not prequalified where need is demonstrated, the circumstances warrant, and there is no direct threat.

2. **Reasonable Modification Criteria:**

A reasonable modification request by an eligible rider should be granted unless:

a. **The request is unreasonable:**

   A request is unreasonable if:

   i. **It is not timely made.** Except as otherwise indicated above, a request not made reasonably in advance of service where it is feasible to do so may be temporarily denied on that basis
by the service provider. The rider may make a complaint regarding such denial and on receipt of such complaint, the RMC shall consider the merit of the request on an in-advance-of-service basis.

ii. *It seeks or requires actions beyond the authority of Access to grant.*
Requests which require consent of others that cannot reasonably be obtained or which otherwise would result in the violation of law or the private property rights of others are not within Access control and may be denied [See 7b - 3 below]

iii. It seeks to give one or one group of disabled individuals disproportionate benefits to those available to all disable individuals

b. *There is insufficient Need:*

The modification is unnecessary for the requestor to be able to fully participate in the service. A Requestor may be required to specify the need for which the reasonable modification is sought, and if they do not do so, the request may be denied. Otherwise, if the need specified is insufficient because the Requestor can otherwise fully participate in the service, the request can be denied.

[See Appendix E examples in section 7]

c. *Direct Threat:*

The modification requested would result in a direct threat to the safety of others. A direct threat is a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. It does not include a threat to the safety to the individual requestor.

Non-exclusive examples are:
• Leaving the vehicle out of sight for a significant period of time with unattended passengers
• Sideways facing mobility device
• Dangerous pets
• Weapons and personal defense devices
• Airborne communicable disease transmission risks

[See Appendix E examples in section 7b - 1, 2, 4, 7, 16, 17, 18, 22, 23, 24, 25]

d. **Fundamental Alteration:**

The modification would result in a fundamental alteration of the service. A "fundamental alteration" is a change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.

Non-exclusive examples are:
• Moving away from the vehicle more than 60’
• Non shared ride requests
• Personal Care Attendant Services
• Objections to another passengers riding
• Particular kind of vehicle
• Any change in the minimum service criteria set forth in 37.131:
  • Service area
  • Jurisdictional Boundaries
  • Response Time
  • Reservation hours
  • Next day service
  • Negotiated pickup times
  • Fares [But note fare handling issues which are different]
  • Trip Purpose priorities
• Modifications which would change eligibility for the service
• Modifications inconsistent with applicable State law.
• Modifications inconsistent with essential safety requirements and policies.

[See Appendix E examples in section 7b - 3, 5, 7, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 27]
**Note:** Any modification of the Access Beyond Curb (BTC) Policy shall be deemed a fundamental alteration and shall be denied because that policy is already a reasonable modification of the Access curb-to-curb service model.

e. **Unreasonable Burden:**

The modification would constitute an unreasonable administrative or financial burden; [Note that this is a very difficult standard to support and should rarely occur]

Given the allocation of available resources, the requested modification would be inequitable, given the responsibility Access has undertaken to provide for complementary ADA paratransit services to the large and diverse population of eligible persons with disabilities. The obligation of Access is to provide its services equitably and in doing so make fair allocation of its resources. If the requested modification would violate that concept it may be an “Unreasonable Burden.”

**Note:** where a requested modification would reduce costs, it would be entirely unusual that financial burden would justify a denial.

f. **Violent Seriously Disruptive or Illegal Conduct.**

Where the requestor engages in or the modification would facilitate violent, seriously disruptive or illegal conduct of a kind otherwise justifying denial of service under applicable regulations.

**Note:** To assist in determining requests please refer to the Reasonable Modification Decision Tree at the end of this section.

3. **Requests for Modification in Advance of Service**

While where feasible a request should be made in writing on the Access form, oral requests to Customer Service shall be assigned an RMC
Request Ticket and directed to the RMC.

4. **Requests for Modification Make at Time of Trip Booking**

Where requests for modification are made the day before the trip during the booking process, operating personnel to whom the request is made shall determine whether or not to grant the request based on the following:

a. Whether it was practicable for the request to have been made and determined in advance of the reservation. If it was practicable to have made the request in advance and to grant the request now would cause delay, inconvenience to other riders or otherwise interfere with operations, it may be temporarily denied.

b. Whether without a modification the requestor would be unable to fully use the particular Access services, activity or program for their intended purpose.

c. Whether the request is legally within the power of Access to grant

d. Whether the modification would constitute a direct threat [See above]

e. Whether the modification would constitute a fundamental alteration [See above]

f. The decision maker shall place a note in the note field of the trip reservation software of the request and the decision.
5. **Requests for Modification at Time of Service**

Where a request for modification is made at the time of service falling outside the BTC policy criteria, operating personnel to whom the request is made shall in consultation with dispatch or appropriate supervisory authority determine whether and what modification should be provided at the time of the request given the guidelines in this Policy. In doing so they shall determine:

a. Whether the RMC has already determined the request. If so the operating personnel shall abide by the RMC’s determination unless there has been a material change in applicable circumstances;

b. Whether without the requested modification the requestor will be prevented from using Access Paratransit for the intended trip.

c. Whether it was practicable for the request to have been made and determined in advance of the service. If it was practicable to have made the request in advance and to grant the request now would cause delay, inconvenience to other riders or otherwise interfere with operations, it may be temporarily denied.

d. Whether the request is legally within the power of Access to grant.

e. Whether the modification would constitute a direct threat [See above].

f. Whether the modification would constitute a fundamental alteration. [See above]

g. The denial of such a request by the decision maker shall be noted by operating personnel and shall be referred to the RMC for further action.

6. **Alternative Modifications:**

Where any request for modification is denied, the person denying the request shall consider and, where feasible and agreed by the requestor, attempt to facilitate alternative modifications that address the articulated
need.

7. **Specific Examples:**

a. **Beyond the Curb Service.** Service beyond the curb and to the door ("Origin to Destination Service"). Where a need is demonstrated and the modification timely requested, assistance beyond the curb and to the door will be provided subject to restrictions as set forth in the Beyond the Curb/Origin to Destination Policy which follows in this Manual.

b. **Appendix E Guidance Examples:**

1. *Snow and ice:* request for assistance should be granted unless extreme conditions make it a direct threat to do so.
2. *Pick up and drop off locations with multiple entrances:* Request should be granted to pick up or drop off at the place requested provided that doing so does not constitute a direct threat.
3. *Private Property:* must make every reasonable effort to gain access to gated areas when requested. Not required to violate the law.
4. *Obstructions:* subject to general limitations, should be flexible in establishing pickup and drop off points to avoid obstructions.
5. *Fare Handling:* Must grant requests by passenger for the driver to handle fare media for passenger but do not need to reach into their pockets or backpacks.
6. *Eating and Drinking:* If medical condition requires, request should be granted
7. *Medicine:* Passenger’s request to take medications or perform tests (e.g. finger prick blood test) while aboard should be granted but transit personnel do not have to do the tests. [However, consideration should be given as to whether blood borne pathogens would constitute a direct threat]
8. *Boarding separately from wheel chair:* when weight of chair and passenger exceeds design weight of ramp, a request to board separate from the wheel chair should be granted
9. *Dedicated vehicles or special equipment:* May be denied as fundamental alteration
10. *Exclusive or reduced capacity:* may be denied as fundamental alteration
11. *Outside of the Service Area or Operating Hours:* may be denied as requiring a fundamental alteration
12. **Personal Care Attendant**: may deny requests for personal care attendant services
13. **Intermediate stops**: If the driver would have to wait the request could be denied as a fundamental alteration
14. **Payment**: modification of fare structure or obligation to pay fare may be denied as a fundamental alteration.
15. **Caring for Service Animals**: can deny requests that driver take charge of service animal.
16. **Opening building doors**: opening of exterior doors where otherwise necessary and not a direct threat should be granted. Door through Door service requests need not be granted.
17. **Exposing Vehicle to Hazards**: requests that would do so may be denied as a direct threat.
18. **Hard to Maneuver stops**: should be granted as long as it does not expose the vehicle to hazards that pose a direct threat (unsafe for vehicle to get to the pickup point without getting stuck)
19. **Specific Drivers**: May be denied as not necessary to afford passenger access to system.
20. **Luggage and Packages**: Can be denied where not normal policy to assist as a fundamental alteration.
21. **Request to avoid specific passengers**: may be denied as a fundamental alteration
22. **Navigating an Incline or Around Obstacles**: Request for help by mobility device user to maneuver around obstacles between vehicle and door should be granted subject to direct threat limitation.
23. **Extreme Weather Assistance**: should be granted subject to direct threat limitation.
24. **Unattended Passengers**: even if the request would result in leaving passengers unattended, the request should be granted as long as it would not leave the vehicle unattended or out of sight for a lengthy period of time which could be a direct threat.
25. **Return Trip Assistance**: the need for assistance is measured on a trip by trip basis so that it may be necessary on a return trip (i.e. dialysis) but not on the outbound trip.
26. **Five Minute Warning or Notification of Arrival Calls (call outs)**: requests for call outs should be granted
27. **Hand Carrying of Passenger**: except in emergencies can be denied because of safety, dignity, privacy and fundamental alteration.
Reasonable Modification Decision Tree
This decision tree is a part of the Access Reasonable Modification Policies and Procedures Manual. It is intended as a handy reference but not as a definitive guide for which reference to the relevant detailed polices in this Manual should be made.

1. **RM Decision Maker**: Who handles the request?

   a. **Requests made In advance of service**
      i. At eligibility - eligibility evaluator
      ii. At reservation - call taker if BTC request, otherwise refer to RMC
      iii. Other (complaints, etc.) - Refer to RMC

   b. **At time of service** - Operating Personnel [with advice of dispatcher]
      i. Was it feasible to have made the request at an earlier time?
         1. *If yes*, will the granting of the request cause delay inconvenience to other riders or otherwise interfere with operations.
            a. *If yes*, deny the request, notify the requestor.
            b. *If no*, follow the decision tree below

2. **RM Decision Tree**:

   a. **Eligible Rider**: Is the request made by or on behalf of an eligible rider or person seeking eligibility?
      i. *If no*, stop here, deny the request and notify the requestor.
      ii. *If yes*, continue

   b. **Need**: Does the request identify the need to be met by the modification or has the requestor been prequalified for the modification?
      i. *If no*, stop, and obtain identification of the need to be met in order for rider to use the service.
      ii. *If no prequalification and no need* is described after request to rider, stop - deny the modification, document the decision and notify the requestor
      iii. *If yes*, continue
c. Necessity: Is the modification necessary in order for the requestor to be able to fully use Access services, programs or activities for their intended purpose?
   i. **If no**, stop- deny the modification, document the decision and notify the requestor.
   ii. **If yes**, continue

d. Fundamental Alteration: Would granting the request fundamentally alter the nature of Access' services, programs or activities? [See Procedure 3.0 for guidance]

   **Note:** modifications to provide service beyond the curb if otherwise within limitations of the BTC program is not a fundamental alteration. [See BTC Policy]

   **Note Also:** If to grant the request would likely result in the violation of private property rights or the law, it is a fundamental alteration and may be denied.

   i. **If yes**, stop - deny request, document decision and notify requestor- go to Alternate Modifications below.
   ii. **If no**, continue

e. Direct Threat: Would granting the request create a direct threat to the health and safety of others? [See Procedure 3.0 for guidance]

   i. **If yes**, deny request, document decision and notify requestor- go to Alternate Modifications below.
   ii. **If no**, continue

f. Undue Burden: Would the granting of the request cause an undue financial or administrative burden? [See Procedure 3.0 for guidance]

   i. **If yes**, deny request, document decision and notify requestor- go to Alternate Modifications below.
   ii. **If no**, grant request, document decision and notify requestor
g. Alternate Modifications: If a modification is necessary but the requested modification is not granted because of fundamental alteration or direct threat, is there a different modification that could be made to satisfy the need but which would not constitute a direct threat or fundamental alteration?
   i. If yes, propose the modification to the requestor and if accepted, grant that modification, document the decision and notify the requestor.
   ii. If no, if the requestor does not accept the alternate modification, document that fact.
A person aggrieved by a reasonable modification/Beyond the Curb Service determination may file a complaint in accordance with the existing Access complaint policy and procedure and the implementing procedures of this policy.

IMPLEMENTING PROCEDURES:
1. Complaints related to reasonable modification and/or Beyond the Curb services denial shall be tagged and referred to the RMC.

2. Communication of Responses to Requests
   a. Responses to written Requests in Advance of Service shall be in writing
   b. Responses to all other requests for modification may be made orally or in writing.

3. Customer Service shall tag and direct to the RMC all complaints received regarding reasonable modification. The decision with respect to such complaints and the reasons therefore shall be communicated to the complainant within the period for handling of general complaints set forth in Access’ Complaint policy and such decision shall be documented by notation in the complainant’s Rider 360 file.

4. The availability of this process, its procedures and the name, address, telephone number and email address of the RMC shall be advertised to the ridership by appropriate means.

5. The RMC shall assign all complaints regarding the RMC’s determination of a request for reasonable modification to Access’ Deputy Executive Director of Operations for resolution.
POLICY: Access Paratransit is primarily a curb-to-curb service. However, upon timely request and identification of need by an Access eligible rider, Access will reasonably modify that policy by providing certain services beyond the curb and to the door subject to the conditions set forth herein and as necessary for the rider to be able to use the service. (“BTC”) Modifications to the curb-to-curb policy within the scope and conditions of this BTC policy will not be deemed a fundamental alteration simply because they go beyond the curb.

1. **Preamble**

   a. The primary mode of transportation for Access ADA paratransit is curb-to-curb service. Access will provide assistance beyond the curb to eligible riders or at eligible locations. This Origin to Destination service will be known as “Beyond the Curb” service to differentiate it from the baseline ADA paratransit service.

   b. Although under this policy Access will provide additional assistance beyond the curb, it is important to remember that Access is not a medical transportation service. If a rider’s medical condition prevents them from independently navigating public transit systems such as Access Services, we strongly recommend that a Personal Care Assistant accompany the rider. Personal Care Assistants do not have to pay a fare on Access.

2. **Eligibility**

   a. Customers who require Beyond the Curb service regularly or occasionally must be found eligible for the service during the eligibility process. Eligibility for Beyond the Curb services will be based upon whether or not the rider is, because of their disability,
prevented from using the curb-to-curb paratransit system for a ride they wish to take.

b. For new Access applicants, customers will be evaluated for Beyond the Curb service during the initial eligibility process.

c. Current riders can apply for Beyond the Curb service by calling Customer Service and requesting an application. The customer’s application will be reviewed by an Access eligibility contractor in consultation with the RMC. On occasion, after submitting the paper application, the rider may be asked to go to the eligibility center to be evaluated in person for Beyond the Curb service. Current riders will receive a grace period to use Beyond the Curb service while their application is being reviewed and can, during this period, merely request it during the trip reservation process.

3. Operations

a. Riders found eligible by the above referenced process should request BTC service during the trip booking process. Contractors will make their best effort to accommodate modification requests calling for service beyond the curb and within the scope of this policy not made during the booking process (e.g. on the vehicle) by any customer, whether previously found eligible or not. This includes situations with changing environments caused by weather and construction. Access will not fulfill beyond the curb service requests which exceed the criteria set forth in this policy because doing so would fundamentally alter the nature of the service.

b. The safety of our riders and our drivers is of primary importance and Access will not provide BTC service if the driver determines that it is unsafe (direct threat) to do so. While providing assistance beyond the curb, drivers are required to maintain visual contact of the vehicle at all times and must be able to legally park and secure the vehicle safely (e.g. no parking on red curbs, no double parking).

c. The driver is **NOT** allowed to:
○ Leave the vehicle beyond 60 feet;
○ Enter any doors, private residences or buildings;
○ Assist with packages that exceed the current package policy;
○ Assist beyond the ground level of any building or apartment;
○ Commit an illegal act;

d. Access will not, as part of the BTC Service, provide care attendants or service, service animal supervision or medical services, service outside its service area or hours of operation, nor will it take actions which would cause a direct threat to the safety of others, cause a fundamental alteration of its service, constitute and unreasonable administrative or financial burden or which would result in an illegal act.

4. Guidelines for Call Takers and Drivers

a. Call Takers
   i. Requests made at time of booking trip
      1. Requests made for reasonable modification of the curb-to-curb policy which call for services falling within the BTC guidelines may be made orally at time of booking the trip and will be granted.

b. Drivers
   i. Requests made at time of service
      1. Requests made for reasonable modification of the curb-to-curb policy which fall within the BTC guidelines can be made orally at the time of service and will be granted provided that doing so is: safe and the driver does not:
         ○ Leave the vehicle beyond 60 feet;
         ○ Enter any doors, private residences or buildings;
         ○ Assist with packages that exceed the current package policy;
- Assist beyond the ground level of any building or apartment;
- Commit an illegal act;