



**REASONABLE MODIFICATIONS
FOR DISABLED PASSENGERS**

May, 2015

Kitsap Transit Reasonable Modifications for Disabled Passengers

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Background

Kitsap Transit's *ACCESS* Service Coordinator is the designated responsible employee to determine requests for reasonable modifications. Customer comment procedures are documented in the Customer Comment Policy and may be used to address reasonable modifications. At the time of application, a reasonable modification may also be requested.

Per federal guidelines, beginning July 1, 2015, Kitsap Transit will consider requests for reasonable modifications as follows:

- The individual requesting the modification will describe what they need in order to use the service.
- The individual requesting modification is not required to use the term “reasonable modification” when making a request.
- Whenever feasible, requests for modifications will be made and determined in advance, before Kitsap Transit is expected to provide the modified service.
 - Requests can be made during the *ACCESS* eligibility process
 - Requests can be made through customer service inquiries
 - Requests can be made through Kitsap Transit's customer comment process
- Where a request for modification cannot practicably be made and determined in advance (because of a condition or barrier at the destination of an *ACCESS* or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel will make a determination of whether the modification should be provided at the time of the request. Operators will consult with KT Dispatch before making a determination to grant or deny the request.
- Requests for modifications of policies and practices may be denied only on one or more of the following grounds:
 - Granting the request would fundamentally alter the nature of Kitsap Transit service, programs, or activities
 - Granting the request would create a direct threat to the health or safety of others

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- Without the requested modification, the individual with a disability is able to fully use Kitsap Transit's services, programs, or activities for their intended purpose
- In determining whether to grant a requested modification, Kitsap Transit will be guided by the provisions of United States Department of Transportation 49 CFR Appendix E to Part 37.169.
- In any case in which Kitsap Transit denies a request for a reasonable modification, Kitsap Transit will 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 Kitsap Transit.

The following are examples offered as guidance when making reasonable modification determinations:

Snow and Ice

Except in extreme conditions that rise to the level of a direct threat to the driver or others, a passenger's request for *ACCESS* to walk over a pathway that has not been fully cleared of snow and ice should be granted so that the driver can help the passenger with a disability navigate the pathway. If snow or icy conditions at a bus stop make it difficult or impossible for a passenger with a disability to get to a lift or for the lift to deploy, the driver should move the bus to a cleared area for boarding, if such is available within reasonable proximity to the stop.

Multiple Entrances

For pickup and drop off locations with multiple entrances, an *ACCESS* passenger's request to be picked up at home, but not at the front door, should be granted as long as the requested pick-up location does not pose a direct threat. In the case of frequently visited public places with multiple entrances (schools, malls, employment centers, hospitals, airports), the *ACCESS* operator should pick up and drop off the passenger at the entrance requested by the passenger, rather than meet them in a location that has been predetermined by Kitsap Transit, again assuming that doing so does not involve a direct threat.

Private Property

When accessing private property, even if it requires authorization, Kitsap Transit will make every reasonable effort to gain access to such property. However, the driver is not required to violate the law or lawful access restrictions to meet the passenger's requests. A public or private entity that unreasonably denies access to an *ACCESS* vehicle may be subject to a complaint to the U.S. Department of Justice or U.S. Department of Housing and Urban Development for discriminating against services for persons with disabilities.

Obstructions

A passenger's request for a driver to 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) should be granted so long as positioning the vehicle to avoid the obstruction does not pose a direct threat. To be granted, such a request should result in the vehicle stopping in reasonably close proximity to the designated stop location. Kitsap Transit is not required to pick up passengers with disabilities at non-designated locations.

Fares

A passenger's request to handle the fare media when the passenger with a disability cannot pay the fare by the generally established means should be granted in the situation where a bus passenger cannot reach or insert a fare into the farebox. Kitsap Transit personnel are not required to reach into pockets or backpacks in order to extract the fare media.

Eating and Drinking

If 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, the request should be granted, even though Kitsap Transit has a policy that prohibits eating or drinking. An example is a person with diabetes who needs to consume a small amount of juice in a closed container or a candy bar in order to maintain blood sugar levels.

Medicine

A passenger's request to take medication while aboard a Kitsap Transit vehicle or in a transit facility should be granted. An example would be allowing individuals to administer insulin injections and conduct finger stick blood glucose readings. Kitsap Transit staff will not provide medical assistance as this would be a fundamental alteration of their function.

Boarding Separately from Wheelchair

A wheelchair user's request to board a Kitsap Transit vehicle separately from his or her device when the occupied weight of the device exceeds the design limit of the vehicle lift will generally be granted.

Dedicated Vehicles or Special Equipment in a Vehicle

An *ACCESS* passenger's request for special equipment (such as 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 Americans with Disabilities Act or the USDOT's rules. Likewise, a request for a dedicated vehicle can be denied. In all cases, the USDOT views meeting the requests as involving a fundamental alteration of Kitsap Transit's service.

Exclusive or Reduced Capacity

A passenger's request for an exclusive *ACCESS* trip may be denied as a fundamental alteration of Kitsap Transit's services. *ACCESS* is a shared-ride service.

Outside of the Service Area or Operating Hours

A passenger's request for service may be denied when honoring the request would require travel outside of Kitsap Transit's service area or to operate outside of its operating hours. This request is not a reasonable modification because it would constitute a fundamental alteration of Kitsap Transit's service.

Personal Care Attendant

While PCA's may travel with a passenger with a disability, Kitsap Transit is not required to provide a personal care attendant or personal care attendant services to meet the needs of passenger with disabilities. For example, a passenger's request for Kitsap Transit's driver to remain with the passenger who, due to his or her disability, cannot be left alone without an attendant upon reaching his or her destination may be denied.

Intermediate Stops

USDOT views granting an *ACCESS* passenger's request for a driver to make an intermediate stop, where the driver would be required to wait, as optional. For example, a passenger with a disability arranges to be picked up at a medical facility and dropped off at home. On the way, the passenger with a disability wishes to stop by a pharmacy and requests that the driver park outside of the pharmacy, wait for the passenger to return, and then continue the ride home. While this can be a very useful service to the rider, and in some cases can save Kitsap Transit time and money, such a stop in the context of a shared ride system is not required. Since *ACCESS* is, by its nature, a shared ride system, requests that could disrupt schedules and inconvenience other passengers could rise to the level of a fundamental alteration.

Payment

A passenger's request for the driver to provide the transit service when the passenger with a disability cannot or refuses to pay the fare may be denied (with dispatch approval). Since Kitsap Transit charges payment to ride, to provide a free service would constitute a fundamental alteration of Kitsap Transit's service.

Caring for Service Animals

A passenger's request that the driver take charge of a service animal may be denied. Caring for a service animal is the responsibility of the passenger or a PCA.

Opening Building Doors

For *ACCESS* services, a passenger's request for the driver to open an exterior entry door to a building to provide boarding and/or alighting assistance to a passenger with a disability should generally be granted as long as providing this assistance would not pose a direct threat or leave the vehicle unattended or out of visual observation for a lengthy period of time. A request for "door through door" service generally would not need to be granted because it could rise to the level of a fundamental alteration.

Exposing Vehicles to Hazards

If the passenger requests that a vehicle follow a path to a pick up or drop off point that would expose the vehicle and its occupants to hazards, such as running off the road, getting stuck, striking overhead objects, or reversing the vehicle down a narrow alley, the request can be denied as creating a direct threat.

Hard-to-Maneuver Stops

A passenger may request that an *ACCESS* vehicle navigate to a pick-up point to which it is difficult to maneuver a vehicle. A passenger's request to be picked up in a location that is difficult, but not impossible or impracticable, to access should generally be granted as long as picking up the passenger does not expose the vehicle to hazards that pose a direct threat.

Specific Drivers

A passenger's request for a specific driver may be denied. Having a specific driver is not necessary to afford the passenger the service provided by Kitsap Transit.

Luggage and Packages

A passenger's request for a driver to assist with luggage or packages may be denied (with dispatch approval) in those instances where it is not the normal policy or practice or is outside the normal policy or practice to assist with luggage or packages.

Request to Avoid Specific Passengers

An *ACCESS* passenger's request not to ride with certain passengers may be denied. *ACCESS* is a shared-ride service. As a result, one passenger may need to share the vehicle with people that he or she would rather not.

Navigating on an Incline or Around Obstacles

An *ACCESS* passenger's request for a driver to help him or her navigate an incline (such as a driveway or sidewalk) with the passenger's wheeled device should generally be granted. Likewise, assistance in traversing a difficult sidewalk (such as one where tree roots have made the sidewalk impassible for a wheelchair) should generally be granted, as should assistance around obstacles (such as snowdrifts and construction areas) between the vehicle and a door to a passenger's house or destination. These modifications would be granted subject to the proviso that such assistance would not cause a direct threat or leave the vehicle unattended or out of visual observation for a lengthy period of time.

Extreme Weather Assistance

An *ACCESS* passenger's request to be assisted from his or her door to a vehicle during extreme weather conditions should generally be granted so long as the driver leaving the vehicle to assist would not pose a direct threat or leave the vehicle unattended or out of visual observation for a lengthy period of time. For example, in extreme weather, a person who is blind or vision-impaired or a frail elderly person may have difficulty safely moving to and from a building.

Unattended Passengers

Where a passenger's request for assistance means that the driver will need to leave passengers aboard a vehicle unattended, Kitsap Transit should generally grant the request as long as accommodating the request would not leave the vehicle unattended or out of visual observation for a lengthy period of time, both of which could involve direct threats to the health or safety of the unattended passengers. It is important to keep in mind that, just as a driver is not required to act as a PCA for a passenger making a request for assistance, so a driver is not

intended to act as a PCA for other passengers in the vehicle, such that he or she must remain in their physical presence at all times.

Need for Return Trip Assistance

A passenger with a disability may need assistance for a return trip when he or she did not need that assistance on the initial trip. For example, a dialysis patient may have no problem waiting at the curb for a ride to go to the dialysis center, but may well require assistance to the door on his or her return trip because of physical weakness or fatigue. To the extent that this need is predictable, it should be handled in advance, either as part of the eligibility process or Kitsap Transit's reservation process. If the need arises unexpectedly, then it would need to be handled on an ad hoc basis. Kitsap Transit should generally provide such assistance, unless doing so would create a direct threat or leave the vehicle unattended or out of visual observation for a lengthy period of time.

Notification of Arrival Calls

A passenger's request for a telephone call 5 minutes (or another reasonable interval) in advance or at a time of vehicle arrival generally should be granted. As a matter of courtesy, such calls are encouraged as a good customer service model and can prevent "no shows." In situations where automated systems are not available and *ACCESS* drivers continue to rely on handheld communication devices (such as MDTs and radios), drivers should comply with any State or Federal laws related to distracted driving.

Hand-Carrying

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 because of the safety, dignity, and privacy issues implicated by hand-carrying a passenger. Hand-carrying a passenger is also a PCA-type service which is outside the scope of driver duties, and hence a fundamental alteration.

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Documentation of Reasonable Modification Requests

Date request was received	
Due date	
Name of Evaluator	
Area of service	

Customer's Request

Policy creating barrier

Discussion
Date Modification Approved _____

	Modification request denied
	Fundamentally alters service
	Creates a direct threat to health and safety of others
	Customer can fully use service without modification
	Causes undue financial or administrative burden

Describe other actions taken to ensure access
Date customer notified _____

Approval: _____