

# Lake Transit Authority (LTA) Reasonable Modification of Policies and Procedures for Disabled Customers:

LTA does not discriminate against individuals with disabilities in the provision of transportation services and is committed to ensuring that no person, solely by reason of their disability, is excluded from participation in, is denied benefits of, or is subjected to discrimination under any LTA's programs or activities.

LTA considers all requests for reasonable modifications of its policies, practices or procedures when necessary to avoid discrimination on the basis of disability. LTA is not required to grant requests for reasonable modifications that would fundamentally alter the nature of the LTA's services, programs or activities. Due to the fact-specific nature of requests, individual decisions and one-time modifications are not precedential. If a modification is determined later to be unnecessary for the requesting individual to use the requested transit service, a fundamental alteration, or unsafe for other person(s) or property, LTA may discontinue or change the modification.

In determining whether to grant a requested modification, LTA will be guided by the provisions of the United States Department of Transportation regulations and guidance provided in Appendix E of Title 49 CFR Part 37, and specifically to provisions of Section 37.169, see Attachment A.

LTA will consider requests for reasonable modifications as follows:

## Policy & Procedures

1. A customer requesting a reasonable modification will be required to describe what the customer believes is needed in order to use the LTA transportation services (s). The requestor is not required to use the term "reasonable modification" when making a request. The request for modification can be for any of the transportation services provided by LTA, i.e., paratransit, fixed route, etc.
2. Whenever possible, LTA asks that customers make requests for modifications and also provide LTA an opportunity to determine whether such requests will be granted in advance, i.e., before LTA is expected to provide the modified service.
  1. Requests may be made during the ADA paratransit eligibility process. Requests made through eligibility will have determinations processed along with the eligibility determinations within twenty-one (21) days for new applicants and with renewal determination for requests made during re-certification process.
  2. Requests may be made through customer service inquiries by phone at 707-994-3334 or by email at [laketransit@pacific.net](mailto:laketransit@pacific.net). Designated LTA staff will make a determination within one (1) to fifteen (15) days for requests made via customer service inquiries.
3. When a request for modification cannot be practicably made and determined in advance (for example, because of a condition or barrier at the destination of a paratransit or fixed route trip of which the individual with a disability was unaware until arriving), designated LTA staff, or contractor staff, will make a timely determination so long as their actions do not result in a direct threat or fundamental alteration to LTA services.
4. If the request occurs at the time of service the LTA (or its designated contractor) may make a determination, on a standard setting basis, via the operator and/or dispatch.

5. Requests for modifications of LTA policies and practices may be denied only on one or more of the following grounds as defined in 49 CFR 37.3:
  1. Granting the request would fundamentally alter the nature of LTA's transportation service, programs, or activities.
  2. Granting the request would create a direct threat to the health or safety of others
  3. Without the requested modification, the individual with a disability is able to fully use LTA's services, programs, or activities for their intended purpose.
6. Upon a request for modification under number four (4) above, the LTA will take, to the maximum extent possible, any other actions that would not result in a direct threat or fundamental alteration to service (s) to ensure that the customer with a disability receives the services provided by the LTA.
7. If your request for a reasonable modification is denied you may file a complaint. The Lake Transit Authority (LTA) has established a process for investigating and resolving complaints alleging discrimination based on disability regarding services, programs, and facilities pursuant to Section 504 of the Rehabilitation Act of 1973 and the Title II of the Americans with Disabilities Act of 1990 as implemented in 49 CFR Parts 27, 37, and 38 and 28 CFR Part 35 (for programs and facilities). This Notice and Grievance Procedure is adopted pursuant to 28 CFR 35.107 and 49 CFR 27.1 both entitled, *Designation of responsible employee and adoption of grievance procedures*, see Attachment B.

# Attachment A

## **37.169 Process to be used by public entities providing designated public transportation service in considering requests for reasonable modification.**

(a)(1) A public entity providing designated public transportation, in meeting the reasonable modification requirement of §37.5(i)(3) with respect to its fixed route, demand responsive, and complementary paratransit services, shall respond to requests for reasonable modification to policies and practices consistent with this section.

(2) The public entity shall make information about how to contact the public entity to make requests for reasonable modifications readily available to the public through the same means it uses to inform the public about its policies and practices.

(3) This process shall be in operation no later than July 13, 2015.

(b) The process shall provide a means, accessible to and usable by individuals with disabilities, to request a modification in the entity's policies and practices applicable to its transportation services.

(1) Individuals requesting modifications shall describe what they need in order to use the service.

(2) Individuals requesting modifications are not required to use the term "reasonable modification" when making a request.

(3) Whenever feasible, requests for modifications shall be made and determined in advance, before the transportation provider is expected to provide the modified service, for example, during the paratransit eligibility process, through customer service inquiries, or through the entity's complaint process.

(4) Where a request for modification cannot practicably be made and determined in advance (e.g., because of a condition or barrier at the destination of a paratransit or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel of the entity shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with the entity's management before making a determination to grant or deny the request.

(c) Requests for modification of a public entity's 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 the entity's services, programs, or activities;

(2) Granting the request would create a direct threat to the health or safety of others;

(3) Without the requested modification, the individual with a disability is able to fully use the entity's services, programs, or activities for their intended purpose.

(d) In determining whether to grant a requested modification, public entities shall be guided by the provisions of Appendix E to this Part.

(e) In any case in which a public entity denies a request for a reasonable modification, the entity 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 the entity.

(f)(1) Public entities are not required to obtain prior approval from the Department of Transportation for the process required by this section.

(2) DOT agencies retain the authority to review an entity's process as part of normal program oversight.

[80 FR 13261, Mar. 13, 2015, as amended at 80 FR 26196, May 7, 2015]

# Attachment B

## Introduction

In accordance with Title II of the Americans with Disabilities Act (ADA) of 1990, it is the intention of the Lake Transit Authority (LTA), to provide access to all public facilities, programs and services associated with its operation to all persons with disabilities.

The LTA's ADA Coordinator is responsible for administering the compliance program, and is designated, in accordance with the federal regulation under the ADA, to coordinate efforts to comply with and carry out its responsibilities on the basis of disability, including investigation of any complaint communicated to the Lake Transit Authority District alleging discrimination or noncompliance with federal ADA regulations.

## The ADA Coordinator

The ADA Coordinator is familiar with federal, state and local government, regulations and policies. The ADA Coordinator has knowledge of alternative formats that enable people with disabilities to communicate and participate in programs, activities and services available at the Lake Transit Authority. The ADA Coordinator has the ability to work cooperatively with people with disabilities and is familiar with local disability advocacy groups, and the training necessary to negotiate and mediate on behalf of anyone who submits a grievance.

## The Grievance Procedure

Any grievance alleging discrimination against anyone with a disability should be documented in writing on the attached ADA Title II Grievance Form and must contain the name, address and phone number of the grievant. The Form should include as much information as possible regarding the alleged violation including date, time, location, and a clear description of the complaint and be received by the ADA Coordinator no later than 30 days following the alleged incident. The Grievance Form must be completed and signed by the grievant or their authorized advocate.

Upon receipt, the ADA Coordinator will review the completed Grievance Form within 10 days. If the Form requires additional information, the ADA Coordinator will contact the complainant and return the Form for completion. Once the completed Form has been received, the ADA Coordinator will work with the Lake Transit Authority departments and contract companies if necessary, and within 15 days, make every effort to come to a mutually agreed upon resolution.

If the ADA Coordinator determines that further investigation is necessary, a Notice of Continued Investigation will be issued within 15 days after receiving the completed Grievance Form. If necessary, the ADA Coordinator will meet with the grievant to discuss and possibly resolve the matter.

Upon request, persons who require special accommodations, accessible seating, or documentation in alternative formats under the Americans with Disabilities Act, or persons who require translation services (free of charge) should contact the LTA Office at 994-3334 at least two days prior to a meeting.

It is the Lake Transit Authority's policy to encourage an informal resolution of all complaints and grievances. If an informal resolution cannot be satisfactorily met, the Lake Transit Authority's ADA Coordinator will respond, in writing, with a final decision within 60 days.

Nothing in this grievance procedure prevents an individual from filing a complaint with the Department of Justice ADA Enforcement.

The grievant or authorized representative may appeal the decision of the ADA Coordinator in writing within 30 days of the receipt of the decision.

After 30 days, the ADA Coordinator or designee will make every effort to meet with the grievant to discuss the grievance and possible resolution within 30 days following the meeting. The Lake Transit Authority's ADA Coordinator will submit the final decision to the grievant.

All written and/or recorded communications will remain on file in the Office of the Lake Transit Authority for a period of three years. The Lake Transit Authority's ADA Coordinator shall publish the LTA's Grievance Procedure together with the LTA's ADA Coordinator's name, office address, telephone number and email, for interested persons, individuals with disabilities and organizations representing individuals with disabilities.

The Lake Transit Authority's ADA Coordinator may be reached by email at [jsookne@dbcteam.net](mailto:jsookne@dbcteam.net) or by phone at (707) 263-7868. You may submit your grievance to him at:

Lake Transit Authority  
James Sookne, ADA Coordinator  
525 S. Main St., Ste. G  
Ukiah, CA 95482

These Grievance Procedures are reviewed by the ADA Coordinator to ensure compliance with ADA federal laws.

## **Reasonable Modifications**

Requests for Reasonable Modification may be submitted via the website at [www.laketransit.org](http://www.laketransit.org), by email, written mail to 525 S. Main St., Ste. G, Ukiah CA 95482, or by phone at (707) 263-3334. All requests for Reasonable Modification should be addressed to the attention of the Executive Director. For more details regarding specific policies and procedures surrounding Reasonable Modification requests, please contact the Lake Transit Authority.