



2017

Reasonable Modifications for Persons with Disabilities for Fixed Route & ADA Paratransit Services

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Introduction

In accordance with the requirements of Title II and III of the Americans with Disabilities Act of 1990 (ADA), Salisbury Transit System's ADA Paratransit and Fixed Route services will not discriminate against individuals with disabilities on the basis of their disability in its programs, services, or activities.

Upon request, Salisbury Transit System (STS) will generally, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in programs, services, and activities. This also includes qualified sign language interpreters, electronic documents or documents in large print, and other forms of communication accessible to people who have speech, hearing, or vision impairments.

STS will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its services. For example, individuals with service animals are welcomed at STS's offices; even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication or a modification of policies or procedures to receive services through STS's ADA Paratransit or Fixed Route services, should contact STS at **704.638.5252 or 704.638.5253** or by e-mail at tsimm@salisburync.gov within 7 days before the scheduled event or need.

ADA does not require STS to take any action that would fundamentally alter the nature of its programs or services or impose an undue hardship. STS will not place a surcharge on individuals requesting auxiliary aids/services or reasonable modifications of a policy that is not also extended to persons without disabilities.

Compliments, or complaints that a program, service, or activity of STS's transit program is not accessible to persons with disabilities should be directed to STS at **704.638.5252 or 704.638.5253**, by e-mail at tsimm@salisburync.gov or mailed to

City of Salisbury
Transit Department
P.O. Box 479
Salisbury, NC 28145-0479

Per federal guidelines as of July 13, 2015, Salisbury Transit System (STS) 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 the 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 STS is expected to provide the modified service
- When a request for modification cannot practicably be made and determined in advance (because of a condition/barrier at the destination of a ADA Paratransit or Fixed Route trip; of which the individual with a disability was not aware until arriving), operating personnel will make a determination of whether the modification should be provided at the time of the request
- Request for modification 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 STS's services
 - Granting the request would create a direct threat to the health or safety of others
 - Without the requested modification, the individual with a disability is able to fully use STS's services for their intended purpose
 - In determining whether to grant a requested modification, STS will be guided by the provisions of the *United States Department of Transportation 49 CFR Appendix E to Part 37.169*

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 operator and others, a passenger's request for a STS operator to walk over a pathway that has not been cleared of snow and ice should be granted so that the operator can help the passenger with a disability navigate the pathway. If snow or icy conditions at a stop make it difficult or impossible for the 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, ADA Paratransit passenger's request to be picked up at home; but not at the front door, should be granted as long as the requested pickup location does not pose a threat. In the case of frequently visited public places with multiple entrances (schools, malls, employment centers, hospitals, airports), the ADA Paratransit 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 pre-determined by STS assuming that doing so does not involve a direct threat.

Private Property

When accessing private property (*e.g.*, in a gated community or parking lot, mobile home community, business or government facility where vehicle access requires authorized passage through a security barrier), even if it requires authorization, STS will make every reasonable effort to gain access to such property. However, the operator 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 a STS vehicle may be subject to a complaint to the U.S. Department of Justice and U.S. Department of Housing and Urban Development for discriminating against services for persons with disabilities.

Obstructions

A passenger's request for an operator to position the vehicle to avoid obstructions to the passenger's ability to enter or leave the vehicle at a designated 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 close proximity to the designated stop location. STS is not required to pick up passengers with disabilities at non-designated locations.

Fares

A passenger's request to handle their 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 passenger cannot reach or insert a fare into the fare box. STS 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 STS has a policy that prohibits eating or drinking on vehicles. 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.

Medications

A passenger's request to take medication while aboard a STS 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. STS staff will not provide medical assistance as this would be a fundamental alteration of their function.

Boarding Separately from Wheelchair

A passenger who utilizes a wheelchair requests to board a STS vehicle separately from his/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

A STS passenger's request for special equipment (such as 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. The USDOT views meeting the requests for a dedicated vehicle as involving fundamental alterations of STS's services.

Exclusive or Reduced Capacity

A passenger's request for an exclusive ADA Paratransit trip may be denied as a fundamental alteration of STS's services. ADA Paratransit is a shared-ride service.

Outside the Service Area of Operating Hours

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

Personal Care Attendants (PCA's)

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

Intermediate Stops

USDOT views granting a STS passenger's request for an operator 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 request that the operator 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 for the passenger, and in some cases can save STS time and money, such a stop in the context of a shared ride system is not required. Since ADA Paratransit is by nature a shared ride system, requests that could disrupt schedules and inconvenience other passengers could rise to the level of fundamental alteration.

Payment

A passengers request for the operator to provide the transportation service when the passenger with a disability cannot or refuses to pay the fare may be denied; with approval from dispatch. Since STS charges payment to ride, to provide a free service would constitute a fundamental alteration of STS's services.

Caring for Service Animals

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

Opening Building Doors

For ADA Paratransit services, a passenger's request for the operator to open an exterior entry door to a building to provide and/or alighting assistance to a passenger with a disability should generally be granted as long as providing the assistance would not pose a direct threat or leave the vehicle unattended or out of visual observation for a lengthy period of time.

Exposing Vehicles to Hazards

If the passenger requests that a vehicle follow a path to a pickup 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 an ADA Paratransit vehicle navigate to a pickup or drop-off 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 impractical 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 operator may be denied. Having a specific operator is not necessary to afford the passenger the service provided by STS.

Luggage and Packages

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

Request to Avoid Specific Passengers

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

Navigating on an Incline or Around Obstacles

An ADA Paratransit passenger's request for an operator to help him/her navigate an incline (such as a driveway or sidewalk) with the passenger's mobility device should generally be granted. Assistance in traveling a difficult sidewalk (such as one where tree roots have made the sidewalk impossible for a wheelchair) should generally be granted; as should assistance around the obstacles between the vehicle and a door to a passenger's home or destination. These modifications would be granted subject to the provision that such assistance would not cause a direct threat or leave the vehicle unattended out of visual observation for a long period of time.

Extreme Weather Assistance

An ADA Paratransit passenger's request to be assisted from his/her door to a vehicle during extreme weather conditions should generally be granted so long as the operator leaving the vehicle to assist would not pose a direct threat or leave the vehicle unattended or out of visual observation for a long period of time. For example, in extreme weather (snow, wind, and storm) a person who is blind or visually impaired or a frail older adult may have difficulty safely moving to and from a building.

Unattended Passengers

Where a passenger's request for assistance means that the operator will need to leave passengers aboard a vehicle unattended, ADA Paratransit should generally grant the request, as long as accommodating the request does not involve direct threats to the health and safety of the passengers. It is important to keep in mind that just as an operator is not required to act as a Personal Care Attendant (PCA) for a passenger making a request for assistance, so an operator is not intended to act as a PCA for other passengers in the vehicle; such that he/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/she did not need the 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 require assistance to the door on his/her return because of their condition. To the extent that this need is predictable it should be handled in advance; either as part of the eligibility process or ADA Paratransit's reservation process. If the need arises unexpectedly, then it would need to be handled on an as needed basis. ADA Paratransit should generally provide such assistance, unless doing so would create a direct threat or leave the vehicle unattended or out of visual observation for lengthy period of time.

Hand Carrying

Except in emergency situations, a passenger's request for an operator to lift the passenger out of his/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 considered a PCA service; which is outside the scope of the operators' duties; hence a fundamental alteration.