



555 Lakeshore Blvd. – Painesville Township, Ohio 44077 – 1.888.525.3872

---

## Plan for Reasonable Modification of Policies and Practices for Non-ADA and ADA Certified Customers

1. **Purpose:** To comply with USDOT final rule regarding the reasonable modification of policies and practices.

2. **Resources:**

Full USDOT requirements located at the below website:

<http://www.gpo.gov/fdsys/pkg/FR-2015-03-13/pdf/2015-05646.pdf>

Title of final rule document:

*DEPARTMENT OF TRANSPORTATION 49 CFR Parts 27 and 37 [Docket OST–2006–23985]  
RIN 2105–AE15 Transportation for Individuals With Disabilities; Reasonable Modification of  
Policies and Practices AGENCY: Office of the Secretary (OST), U.S. Department of  
Transportation (DOT).*

Final rule effective date July 13<sup>th</sup>, 2015

3. **Designation of Reasonable Modification Coordinator:** Laketrans will designate the Transit and Paratransit Operations Manager as the Reasonable Modification Coordinator.

Mail: Laketrans  
Attn: Reasonable Modification Coordinator  
P.O. Box 158  
Grand River, OH 44077  
Phone: 440-350-1000  
E-mail: Laketrans@laketrans.com

4. **Eligibility:** This plan applies to individuals who are ADA certified by Laketrans and individuals who are not ADA certified by Laketrans.

5. **Receipt of Requests for Reasonable Modification:** Laketrans may receive a request for reasonable modification in many ways. It is important to note that requests do not need to be made in writing, nor include the phrase “Reasonable Modification of Policies or Practices”. Laketrans staff must be cognizant when discussing requests for service with customers. If they are unsure if the customer is requesting a reasonable modification they must forward the request to the Customer Relations Supervisor or the Reasonable Modification Coordinator.

- a. **Administrative Staff:** Requests received by Laketrans administrative staff should be forwarded to the Customer Relations Supervisor where they can be processed following the below review process.
- b. **Customer Service Representatives:** These requests should be forwarded to the Customer Relations Supervisor, unless the request is a previously documented permanent request. In this case the representative should inform the customer that their request fits a category previously approved by Laketrans.
- c. **Vehicle Operators:** Vehicle operators are trained to accommodate low level requests, such as navigation of barriers or assistance over snow and ice. In the event an operator receives a request for a more substantial modification the operator must inform the customer that they are not permitted to make that type of decision and that the customer may pursue two options.

- i. The operator may call for a Road Supervisor/Dispatcher to review and evaluate the situation. The operator should note that Road Supervisors/Dispatchers have the power to make many decisions upon arrival, but for more complex decisions the Reasonable Modification Coordinator MAY have to be involved.
- ii. The customer can contact customer service and/or the Reasonable Modification Coordinator to further explain their request.

**6. Review of Requests for Reasonable Modification:** Laketran will follow the below process for reviewing any requests for Reasonable Modification

**a. Dial-a-Ride/ADA Service**

- i. Laketran will attempt to handle most requests at the time of reservation. At time of reservation any requests for modification will first be reviewed by the Customer Relations Supervisor.
- ii. The Customer Relations Supervisor will pass any requests she/he cannot approve to the Reasonable Modification Coordinator for review.
- iii. Modifications that are temporary will be noted on the trip and the driver will be instructed as to how to successfully provide the trip.
- iv. Modifications that are permanent in nature will be noted within the customers file and used for all future trips.
- v. Modifications that can benefit multiple users will be communicated to all drivers via Laketran's existing internal memo system and if required will be included in the training of future drivers.

**b. Fixed Route & Commuter Express Service**

- i. Requests for modification that are communicated to Laketran in advance of the customer using the service shall follow the same procedure as outlined above for Dial-a-Ride/ADA Service.
- ii. Requests that originate at the time service is provided will be communicated by the driver to Laketran's dispatch office. All of these requests will be considered temporary modifications.
- iii. The dispatch office will have the authority to approve point of service modifications to best accommodate the customer's needs. It should be noted that this has been a long standing Laketran policy and does not represent a significant change in daily operating procedure.
- iv. Dispatch may send a Road Supervisor to the scene should they deem it necessary.
- v. The dispatcher and/or road supervisor responding to a request for modification will report the request to the Reasonable Modification Coordinator who will determine if the request should be permanent or temporary. Permanent requests will be handled in the way they can best prevent future issues, which could be a physical change in a bus stop or a memo to drivers, etc. Due to the potential broad scope of reasonable modification requests, each request will be handled on a case-by-case basis as described herein and in a manner consistent with *49 CFR Parts 27 and 37*.

**c. Requests forwarded to the Reasonable Modification Coordinator**

- i. Any request forwarded to the Reasonable Modification Coordinator will be reviewed within 21 business days; time will be of the essence due to the very nature of the requests.
- ii. Approval of requests will be communicated to customers through a letter of approval. The letter will state whether the approval is temporary or permanent. In the event approval is temporary, the conditions will be described, including, reason, length of time or any other determining factor.
- iii. Denials of requests will be documented with adequate explanation give as to the reason for the denial. Denials will be documented in writing with supporting documentation when possible.

**d. Request Denials:**

- i. Modification would be a fundamental alteration of the service provided.
- ii. Granting the modification would expose the requestor or the operator or other riders to a “Direct Threat”.
- iii. The modification is not necessary for the individual to actually use the service.
- iv. In the event a request for Reasonable Modification is denied Laketrans will provide a suitable alternative to the best of Laketrans ability
- v. In the event a request is denied and the customer does not approve the suitable alternative, the customer has the right to appeal. The appeal process is described in section 9 herein.

**7. Training:** Laketrans Dispatchers, Road Supervisors, and the Customer Relations Supervisor will receive training on this plan and their roles and responsibilities contained in it.

**8. Permanent Modifications:** Laketrans has decided to make the following modifications part of normal operating procedure without a request from the public.

- a. **Fixed Route Bus Stops:** Upon passenger request or upon a driver seeing what appears to be a customer waiting for a bus, drivers may stop within approximately 50ft of marked/posted Laketrans bus stops.
- b. **Commuter Express Bus Stops:** Upon passenger request or upon a driver seeing what appears to be a customer waiting for a bus, drivers may stop within approximately 25ft of marked/posted Laketrans bus stops.
- c. **Passenger Assistance on Dial-a-Ride/ADA Service:** Laketrans already requires drivers to assist every customer to and from the bus on every trip. Laketrans will continue to require this accommodation and stress its extreme importance to all current and future users.

**9. Appeals:**

**a. Filing an Appeal**

- i. All appeals must be filed in writing with the LAKETRAN Reasonable Modification Coordinator.
- ii. Appeals must be filled within sixty (60) days of the receipt of the original determination. If the 60<sup>th</sup> day after the original determination is on a weekend or legal holiday an appeal will be accepted on the next subsequent business day.
- iii. Appellants are urged to state in their appeal letter the reasons why they believe the determination does not accurately reflect the situation. Written material regarding the specific functional ability of the customer or relating to the general nature of the individual’s disability may be submitted at this time. This will assist LAKETRAN reviewers in their initial review of the appeal. An appellant may, however; request an appeal hearing without providing additional detail and without submission of written material or information.

**b. Receipt and Scheduling of an Appeal Hearing**

- i. Upon receipt, all appeals will be date-stamped and referenced to the Reasonable Modification Coordinator for review and consideration. The Reasonable Modification Coordinator may choose to:
  1. Reverse the determination;
  2. Authorize a specific trip request that was denied;
  3. Refer the appellant for in-person assessment by a LAKETRAN consultant;
  4. Schedule the matter for a hearing by the Review Board;
  5. Cancel or modify the provision of service
- ii. Initial review of appeal requests by the Reasonable Modification Coordinator will normally be complete within five (5) business days of the receipt of the appeal. If third-

party review is required, the review should normally be conducted within one (1) week following the determination by the Reasonable Modification Coordinator

- iii. Reviews before the Review Board will normally be completed within the calendar month following the receipt of the appeal, pending the meeting schedule of the Review Board. The Review Board will render its determination within thirty (30) days of consideration of the appeal.

#### **c. Review Board Procedures**

- i. Copies of the original request including any supporting material submitted by the customer will be provided to the Review Board at least three (3) days in advance of the appeal hearing.
- ii. The Review Board shall hear and consider:
  1. The information provided in the original request and supporting documentation;
  2. Any additional information, written or verbal, received from the appellant;
  3. Any report of the LAKETRAN 3<sup>rd</sup> party consultant;
  4. The statements of the appellant, his/her advocate and any other witnesses offered by the appellant;
  5. Information from LAKETRAN staff regarding its services, the architectural or other barriers impacting LAKETRAN service, or other barriers to service;
  6. Any other material deemed by the Review Board to be germane to the consideration of the appellants request for a Reasonable Modification.
- iii. After it has received, reviewed and considered the material presented as part of the appeal process, the Review Board shall render a decision and shall direct the Reasonable Modification Coordinator to prepare a letter to the appellant regarding its determinations. The Board will specify and the letter shall explain in detail, the reasons for the maintenance, modification, or reversal of the matter(s) of the appeal.
- iv. The Board will normally render its decision immediately after the hearing. If the Board determines that it must delay a decision in order to obtain further information regarding the appeal, accommodations will be made to the best of LAKETRAN'S ability until a final decision is made.

#### **d. Privacy of Appellants**

- i. All Review Board copies of appellants' requests and supporting documentation will remain the property of LAKETRAN and will be returned to the Reasonable Modification Coordinator at the conclusion of the appeal hearing.
- ii. Members of the Review Board are strictly prohibited from discussing the details of an appeal or regarding the name or other identifying characteristics of the appellant with any person not directly involved in the appeal. Members may discuss information of a general sort regarding a particular type of disability and its functional impact upon an individual's ability to use LAKETRAN service in preparation for a hearing, but are advised to take care that information regarding specific appellants is not shared.
- iii. Appellants will be asked to state if they wish to have the hearing conducted in closed session. At the appellant's request, all parties except the Review Board, LAKETRAN staff, the appellant and his/her advocate and witnesses as necessary for the conduct of the hearing will be excluded from the hearing.
- iv. Deliberations of the Review Board shall normally be conducted in executive session in order to allow for the full consideration of the appellant's medical records and condition. Appellants may, however; request that these deliberations be conducted in a public session.
- v. The Vote determining the outcome of the appeal will be conducted in public, and the assessment of the appellants request for Reasonable Modification will be rendered in writing.
- vi. Audio tapes will be made of all Review Board meetings. The tapes of these meetings together with all supporting material will remain the property of LAKETRAN and will be held for a period of five (5) years, at which time they will be destroyed. Copies of these

tapes will be made and released only through the process of legal discovery (fact-finding) undertaken in any subsequent legal action.

- 10. Examples:** The following are several examples of reasonable modification to policies and practices sourced from Laketrans' historical experience:
- a. Door-to-Door vs. Curb-to-Curb Transportation:** Laketrans has an internal policy of requiring all drivers to assist customers to and from the bus. In some cases Laketrans drivers will provide assistance through the door, in the case of public buildings such as hospitals, medical buildings etc. For some transit agencies a customer may seek a modification from curb to curb service because they may need assistance navigating from the bus to the door of the destination. Laketrans currently provides this, so a modification is not necessary.
  - b. Fare Handling:** Laketrans driver training includes instruction on assisting customers with farebox use. This ranges from providing additional instruction to physically putting the fare into the farebox for the customer. As this is already included in Laketrans' driver training program, no modification is required.
  - c. Customer Assistance:** Laketrans drivers are given extensive training in providing customer assistance to and from vehicles. Laketrans drivers are required to provide this assistance to every customer on every trip. This assistance can be minimal, such as walking beside a customer and opening a door for them to more demanding, such as carrying groceries and or pushing their mobility device. Laketrans drivers are consistently instructed and trained to go above and beyond a customer's expectations. Modifications are requested extremely infrequently because of the high level of service already provided. Should reasonable modifications be requested by a passenger, each will be reviewed on an individual basis as described herein.
  - d. Dial-a-Ride Service Area:** While Laketrans does provide excellent service in Lake County and to some destinations outside Lake County, a request for a pick up outside Lake County and not at one of the designated out of county locations would be denied because it is a fundamental alteration of Laketrans' service.
  - e. Requests for Service in a Converted Van or Requests to be Excluded from Service in a Converted Van:** Laketrans operates a small fleet of converted vans within its normal fleet of Dial-a-Ride buses. These vans are smaller than the typical Dial-a-Ride vehicle operated. Laketrans does not allow customers to choose a vehicle based solely on personal preference. Laketrans does monitor customer requests regarding the small vehicles and does approve some requests based on the physical condition of either the person or typically their home. Examples of this could include a long narrow driveway that may not be accessible to a full size vehicle. Another example maybe that a person's wheel chair is very large, and while it can be accommodated on a converted van the passenger is better served on a full sized vehicle.
  - f. Eating & Drinking:** Laketrans does not normally allow eating and drinking on any vehicle. However; Laketrans has consistently allowed individuals with and without disabilities with documented medical issues to consume food and/or beverages on vehicles as medically necessary.



**Request for Reasonable Modification of Service Policies and Practices**

**Date of Request:** \_\_\_\_\_

**Requestor's Name:** \_\_\_\_\_

**Requestor's Telephone Number:** \_\_\_\_\_

**Requestor's Address:** \_\_\_\_\_

\_\_\_\_\_

**Type/Reason for Request:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Request Routing:**

**Customer Service Supervisor:** \_\_\_\_\_

**Assistant Director of Operations:** \_\_\_\_\_

**Director of Operations:** \_\_\_\_\_

**Disposition of Request:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

555 Lakeshore Boulevard  
Painesville Township, Ohio 44077  
Phone: (440) 350-1000 Fax: (440) 354-4202  
[www.laketran.com](http://www.laketran.com) e-mail: [laketran@laketran.com](mailto:laketran@laketran.com)