



Reasonable Modification Procedure

1. **Purpose:** To comply with USDOT final rule regarding the reasonable modification of policies and practices as specified by 49 CFR Parts 27, 37, 38, and 39. This procedure applies to both Laketrans and Geauga Transit. Where the Reasonable Modification Procedures refers to Laketrans, will also apply to Geauga Transit unless otherwise specified.

2. **Designation of Reasonable Modification Coordinator:**

Laketrans will designate the Director of Operations as the Reasonable Modification Coordinator for its service area.

Mail: Laketrans
Attn: Reasonable Modification Coordinator
555 Lakeshore Blvd.
Painesville Twp., OH 44077
Phone: 440-350-1000
E-mail: Laketrans@laketrans.com

Gauga Transit will designate the Director of Gauga Transit as the Reasonable Modification Coordinator for its service area.

Mail: Gauga Transit
Attn: Reasonable Modification Coordinator
12555 Merritt Rd.
Chardon, OH 44024
Phone: 440-754-5555
E-mail: info@geaugatransit.com

3. **Eligibility:** This procedure applies to all individuals regardless of ADA certification status. An individual is eligible to be considered to receive a reasonable modification if that individual has:
- a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual
 - b. A record of such impairment

4. **Requests for Reasonable Modification:**

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made. The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request. Laketrans shall make requests for reasonable modifications readily available to the public through its website, brochures, and other rider policy guidelines. Requests for accessible format copies of these documents will be accommodated. Laketrans shall follow these procedures in taking requests:

- a. **Administrative Staff:** Requests received by Laketran administrative staff should be forwarded to the Customer Relations Supervisor/Transportation Coordinator where they can be processed following the below review process.
 - b. **Customer Service Representatives/Geauga Dispatcher:** These requests should be forwarded to the Customer Service Supervisor/Transportation Coordinator, 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 Laketran.
 - 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 should make the final decision.
 - ii. The customer can contact customer service to further explain their request.
 - d. Individuals requesting modifications shall describe the modification to service needed in order to use the service.
 - e. Individuals requesting modifications are not required to use the term “reasonable modification” when making a request. Personnel at Laketran will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
 - f. Whenever feasible, Laketran requests that individuals make such requests for modifications before Laketran is expected to provide the modified service.
- 5. Review of Requests for Reasonable Modification:** The following describes Laketran and Geauga Transit’s internal processes for identifying, managing, and resolving reasonable modification requests.
- 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 Service Supervisor.
 - ii. The Customer Service Supervisor will pass any requests they 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 on how to successfully provide the trip.
 - iv. Modifications that are permanent in nature will be noted within the customer’s 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 best way to prevent future issues; which may include 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. Geauga Transit

- i. Geauga Transit will attempt to handle requests at the time of reservation. Requests for modification, made at the time of reservation, will first be reviewed by the Dispatcher and/or Transportation Coordinator.
- ii. The Transportation Coordinator will pass any requests, they cannot approve, to the Director of Geauga Transit for review.
- iii. Temporary modifications will be noted on the trip and the driver will be instructed on how to successfully provide the trip.
- iv. Permanent modifications will be noted within the customer's file and used for all future trips.
- v. Modifications that can benefit multiple users will be communicated to all drivers via Geauga Transit's existing internal memo system and, if required, will be included in the training of future drivers.

d. Requests forwarded to the Reasonable Modification Coordinator

- i. Laketrans will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Laketrans recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.
- 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 given as to the reason for the denial. Denials will be documented in writing with supporting documentation when possible.

e. Denials: A reasonable modification is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities. Laketrans will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for individuals with disabilities, unless:

- i. Making the accommodation would fundamentally alter the nature of the public transportation service.
- ii. Making the accommodation would create a direct threat to the health or safety of other passengers.
- iii. The individual with a disability is able to fully use Laketrans's service without the accommodation being made.
- iv. Making the accommodation creates an undue financial burden on the transit system.

In the event a request for Reasonable Modification is denied Laketrans will provide a suitable alternative to the best of Laketrans's ability.

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 8 herein.

6. **Training:** Dispatcher(s), Road Supervisor(s), and the Customer Service Supervisor(s) will receive training on this plan and their roles and responsibilities contained in it.
7. **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/Geauga Transit:** 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.
8. **Appeals:**
 - a. **Filing an Appeal**
 - i. All appeals must be filed in writing with the LAKETRAN/Geauga Transit Reasonable Modification Coordinator.
 - ii. Appeals must be filled within sixty (60) days of the receipt of the original determination. If the 60th 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 referred 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 previously 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.
 - c. **Review Board Procedures**
 - i. The Review Board will consist of the Laketrans Manager of Customer Experience, the Laketrans Fixed Route Manager and the Assistant Director of Geauga Transit. The Laketrans Paratransit Manager will be the alternate if needed.

- ii. 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.
- iii. 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 3rd 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.
- iv. 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.
- v. 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.
- iii. 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.
- 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.

9. Examples of Reasonable Modification: 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 and Geauga Transit currently provide 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. Geauga Transits service area is Geauga County and up to two miles from the county border. When requests for pickup or drop-off are outside this boundary, these requests are denied as they are a fundamental alteration of Geauga Transits service area.
- 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/Geauga Transit do 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:** _____

Director of Operations: _____

Transportation Coordinator: _____

Director of Geauga Transit: _____

Disposition of Request:

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