



EVERETT TRANSIT

REASONABLE MODIFICATION & ACCESSIBILITY

FOR PERSONS WITH DISABILITIES

JULY 2015

Reasonable Modification Policy

Contents

Background	2
Snow and Ice.....	3
Multiple Entrances	3
Private Property.....	4
Obstructions	4
Fares	4
Eating and Drinking	4
Medicine	5
Boarding Separately from Wheelchair.....	5
Dedicated Vehicles or Special Equipment in a Vehicle	5
Exclusive or Reduced Capacity.....	5
Outside of the Service Area or Operating Hours	5
Personal Care Attendant	6
Intermediate Stops	6
Payment	6
Caring for Service Animals	6
Opening Building Doors	7
Exposing Vehicles to Hazards	7
Hard-to-Maneuver Stops	7
Specific Drivers	7
Luggage and Packages	7
Contact Information.....	7
Request to Avoid Specific Passengers	8
Navigating on an Incline or Around Obstacles.....	8
Extreme Weather Assistance	8
Unattended Passengers	8
Need for Return Trip Assistance	9
Notification of Arrival Calls	9
Hand-Carrying	9
Documentation of Reasonable Modification Requests.....	10

Background

Everett Transit's Paratransit Supervisor 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, Everett 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 Everett Transit is expected to provide the modified service.
 - o Requests can be made during the Everett Paratransit application process
 - o Requests can be made through customer service inquiries
 - o Requests can be made through Everett 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 Everett Paratransit 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 ET 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:
 - o Granting the request would fundamentally alter the nature of Everett Transit service, programs, or activities,
 - o Granting the request would create a direct threat to the health or safety of others
 - o Without the requested modification, the individual with a disability is able to fully use Everett Transit's services, programs, or activities for their intended purpose, or
 - o Granting the request would result in an undue financial and administrative burden.

In any case in which Everett Transit denies a request for a reasonable modification, Everett 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 Everett Transit/Everett Paratransit. In determining whether to grant a requested modification, Everett Transit/Everett Paratransit will be guided by the provisions of United States Department of Transportation 49 CFR Appendix E to Part 37.169.

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 Everett Paratransit 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 Everett Paratransit 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 Everett 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 predetermined by Everett Paratransit, again assuming that doing so does not involve a direct threat.

Private Property

When accessing private property, even if it requires authorization, Everett Paratransit 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 Everett Paratransit 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. Everett Transit/Paratransit 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 fare box. Everett Transit/Paratransit 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 Everett Transit/Paratransit 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 an Everett Transit/Paratransit 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. Everett Transit/Paratransit 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 an Everett Transit/Paratransit 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 Everett Transit/Paratransit 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 Everett Transit/Paratransit's service.

Exclusive or Reduced Capacity

A passenger's request for an exclusive Everett Transit/Paratransit trip may be denied as a fundamental alteration of Everett Transit/Paratransit's services. Everett Transit/Paratransit 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 Everett 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 Everett Transit's service. Everett Transit

Personal Care Attendant

While PCA's may travel with a passenger with a disability, Everett Transit/Paratransit is not required to provide a personal care attendant or personal care attendant services to meet the needs of a passenger with disabilities. For example, a passenger's request for Everett Transit/Paratransit'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 Everett Paratransit 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 Everett Paratransit time and money, such a stop in the context of a shared ride system is not required. Since Everett Paratransit 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 Everett Transit/Paratransit charges a fare to ride, to provide a free service would constitute a fundamental alteration of Everett Transit/Paratransit'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 Everett Paratransit 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 Everett Paratransit 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 Everett Paratransit 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 Everett Transit/Paratransit.

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 Everett Paratransit passenger's request not to ride with certain passengers may be denied. Everett Paratransit 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 Everett Paratransit 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 Everett Paratransit 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, Everett Paratransit 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 Everett Paratransit's reservation process. If the need arises unexpectedly, then it would need to be handled on an ad hoc basis. Everett 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 a lengthy period of time.

Notification of Arrival Calls

A passenger's request for a pre-arrival telephone call generally should be granted. Where automated call-out systems are not available, drivers should comply with any State or Federal laws related to distract 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.

Generally speaking, requests for modifications of policies and practices should be granted unless:

- 1) Granting the request would fundamentally alter the nature of Everett Transit service, programs, or activities,
- 2) Granting the request would create a direct threat to the health or safety of others, or
- 3) Without the requested modification, the individual with a disability is able to fully use Everett Transit/Everett Paratransit's services, programs, or activities for their intended purpose.

In any case in which Everett Transit denies a request for a reasonable modification, Everett 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 Everett Transit/Everett Paratransit.

CONTACT INFORMATION: To make a Reasonable Modification request please contact:

For Fixed Route requests only – Fixed Route Supervisor (425) 257-7794;

For Paratransit requests only – Paratransit Supervisor (425) 257-8948; or

For Everett Station requests only –Administrative Coordinator (425) 257-7782.

If you are unable to reach these direct contacts, please contact Customer Service at 425-257-7777 and request to speak to a fixed route/paratransit supervisor.

Documentation of Reasonable Modification Requests

Date request was received:

Due date:

Name of Evaluator:

Area of service:

Customer's Request:

Discussion:

Date Modification Approved _____

Date 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: _____

FIXED ROUTE GUIDELINES

1. Under no circumstances is an Operator on duty to question a person's disability or rights under ADA. If an Operator encounters, on a re-occurring basis, an individual that is requesting service under ADA and the Operator feels that the individual may not be entitled, the Operator is to provide the requested service and then submit an Incident Report to the Operations Office to be investigated.
2. Operators may ask, but cannot require, a wheelchair passenger to transfer from the wheelchair to a regular seat. We cannot refuse to transport a wheelchair because we are unable to secure it. If the need arises, a wheelchair passenger must be allowed to ride on the bus, in the wheelchair, even though we are not able to secure the wheelchair. However, this must occur in the wheelchair securing area. Operators are responsible for securing mobility devices, and are **required** to use as many securement points as possible (up to four). If four points of securement is not possible, Operator is to notify passenger that it is not possible to completely secure their device. This must be done each and every time four points of securement cannot be attained. The customer is to be informed that they have the following options:
 - To travel with less than four-point securement
 - To not travel on this vehicle
 - To move to a fixed seat (if able to do so on their own)When providing this notification, Operators are to speak loudly enough so as to be heard on the recorded audio. Operators are to notify an Operations Supervisor that securement was attempted, the customer was informed, and chose to ride.
3. Wheelchair passengers cannot be required to wear a seat belt. Wheelchair passenger seat belts are available for their use if they so elect to use them. All Operators are to ask the wheelchair passenger if they wish to use this seat belt.
4. When necessary or upon request, Operators are to assist individuals with disabilities in the use of securing systems, ramps, and lifts. If it is necessary for the Operator to leave their seat to provide this assistance, they shall do so. This does not mean that Operators are required to load articles, such as bags or shopping carts, onto the bus for passengers.
5. Operators shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift to enter the vehicle. It is Everett Transit's policy that if an individual requests to board the bus by using the wheelchair lift, then the Operator is required to employ the lift for this purpose. The Operator will ensure that the passenger is aware of the overhead door frame prior to loading the passenger onto the bus.

6. All fixed route bus Operators are required to use the stop annunciators or audibly announce all transfer points, major intersections, and requested bus stops. Operators shall announce any bus stop that is requested by a passenger. If a passenger boards the bus and requests to be notified of a particular location or stop, Operator is required to announce the stop or location loud enough for that person to hear. This announcement should occur prior to pulling into the stop requested. Operators are also required to announce their route name and number when pulling into a zone that is served by more than one route in order to assist a passenger in identifying the correct bus to board.
7. Service animals shall be allowed to ride our buses at any time; there shall be no fare charged for these service animals. Service animals are considered to be, but not limited to, seeing-eye dogs; dogs used by the hearing impaired, etc. and are subject to ADA guidelines.
8. We cannot prohibit an individual with a disability from traveling with a respirator or portable oxygen supply.
9. If no appropriate seating is available when a passenger requiring accommodations boards a bus, Operator is required to request that any non-disabled passenger occupying the seat(s) move to a fixed seat, but cannot require that passenger to do so.