

# **ADA Reasonable Modification Policy**

## **Coast Transit Authority (CTA) Reasonable Modification of Policies and Procedures for Disabled Customers:**

CTA 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 his or her disability, is excluded from participation in, is denied benefits of, or is subjected to discrimination under any CTA's programs or activities.

CTA considers all requests for reasonable modifications of its policies, practices or procedures when necessary to avoid discrimination on the basis of disability.

CTA is not required to grant requests for reasonable modifications that would fundamentally alter the nature of the CTA's services, programs or activities. Due to the fact-specific nature of requests, individual decisions and one-time modifications are not presidential. 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, CTA may discontinue or change the modification.

In determining whether to grant a requested modification, CTA 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, Part 37.5 (i) (3).

### **CTA 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 CTA transportation services. 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 CTA, i.e., paratransit, fixed route, etc.
2. Whenever possible, CTA asks that customers make requests for modifications and also provide CTA an opportunity to determine whether such requests will be granted in advance, i.e., before CTA 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 (228) 896-8080. Designated CTA staff will make a determination within one (1) to fifteen (15) days for requests made via customer service inquiries.
- 4) 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 CTA staff, will make a timely determination so long as their actions do not result in a direct threat or fundamental alteration to CTA services.

- 5) If the request occurs at the time of service the CTA (or its designated contractor) may make a determination, on a standard setting basis via the operator and / or dispatch.
- 6) Requests for modifications of CTA 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 CTA'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 CTA's services, programs, or activities for their intended purpose.
- 7) Upon a request for modification under number (4) above, the CTA 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 CTA.
- 8) If your request for a reasonable modification is denied, you may file a complaint. Coast Transit Authority (CTA) 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 35.107 and 49 CFR 27.1 both entitled.

Requests for Reasonable Modification may be submitted by email, [opssuper@coasttransit.com](mailto:opssuper@coasttransit.com), written mail to 333 Debuys Road, Gulfport, MS 39507, or by phone at (228) 896-8080. For more details regarding specific policies and procedures surrounding Reasonable Modification requests, please contact Coast Transit Authority.

### **§ 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.

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.