

Bloomington Public Transportation Corporation Transportation for Individuals with Disabilities Reasonable Modification of Policies and Practices

1. Introduction and Background

The Bloomington Public Transportation Corporation (BPTC) is committed to serving individuals with disabilities in full compliance with all requirements of the Americans with Disabilities Act of 1990 including all subsequent revisions and clarifications.

The U.S. Department of Transportation (US DOT) on March 13, 2015 issued 49 CFR Parts 27 and 37 which is a Final Rule on Reasonable Modification of Policies and Practices to clarify that public transportation entities such as BPTC are required by July 13, 2015 to make reasonable modifications/accommodations to their policies, practices, and procedures to ensure program accessibility.

Public entities such as BPTC providing fixed route or demand response services shall make reasonable modifications and accommodations subject to several exceptions. These exceptions include when the modification/accommodation would cause a direct threat to the health or safety of others, would result in fundamental alteration of the service, would not actually be necessary in order for the individual with a disability to access the entity's service, or would result in undue financial and administrative burden. A direct threat is defined in 49 CFR 37.3 as a significant risk to the health or safety of others that cannot be eliminated by modification of policies, practices, procedures, or by the provision of auxiliary aids or services.

This document serves as BPTC's process for complying with the reasonable modification of policies and practices requirement. Described herein is BPTC's process for making decisions and providing reasonable modifications under the ADA to policies and practices.

The effective date of the process described herein is July 13, 2015.

2. Designation of Responsible Employee

BPTC designates its Customer Service Manager as the authorized staff person to coordinate BPTC efforts to comply with the reasonable modification of policies and practices requirement. The Customer Service Manager may consult with the Operations Manager, especially with regard to requests that

deal with fixed route service, or the General Manager or other BPTC staff as needed to properly investigate and make a final determination.

3. Complaint Procedures

BPTC has adopted the following procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part and 49 CFR parts 37, 38 and 39.

Process for Filing a Complaint

When a person desires to file a complaint alleging violation of any element of the ADA, the following process shall be followed:

Contact the BPTC Customer Service Manager, Eli McCormick, by mail at 130 W. Grimes Lane, Bloomington, IN 47403, or by phone at (812) 336-7433, or by email at customer@bloomingtontransit.com

The person filing the complaint shall provide sufficient detail of the allegation. Individuals requesting modifications shall describe what they need in order to use the BPTC's service. Such individuals are not required to use the term "reasonable modification" when making such a request or to submit their request in writing. Whenever feasible, requests for modifications shall be made by individuals and determined by BPTC in advance, before BPTC is expected to provide the modified service.

Process for Investigating Complaints and Making Determinations

Where a request for modification cannot practicably be made and determined in advance, the Customer Service Manager shall make a determination of whether the modification should be provided at the time of the request. The Customer Service Manager may consult with the General Manager or other BPTC staff before making a determination to grant or deny the request.

Requests for reasonable modifications relative to BT Access service (paratransit) are encouraged to be submitted during the eligibility process. Such requests submitted during the eligibility process shall be considered and investigated with a determination being made along with eligibility. Such determinations shall be made within the allowed timeframes required for the eligibility process. Reasonable modification requests may also be made during the BT Access reservation process. Such requests shall be submitted by the reservationist to the Customer Service Manager for prompt and timely consideration.

Requests for modification of BPTC policies, practices, and procedures may be denied only on one or more of the following grounds:

- Granting the request would fundamentally alter the nature of BPTC's services, programs or activities for their intended purpose.
- 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 the BPTC's services, programs, or activities for their intended purpose.

In determining whether to grant a requested modification, the Customer Service Manager and BPTC shall be guided by the provisions of Appendix E to Part 37 – Reasonable Modification Requests. A copy of Appendix E is attached and made a part of this document. It is important that only authorized BPTC staff (i.e. General Manager and Customer Service Manager) shall interpret the examples listed in Appendix E for their applicability to BPTC policies, practices, and procedures.

In any case in which BPTC denies a request for a reasonable modification, BPTC 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 BPTC.

The Customer Service Manager shall investigate the matter relative to BPTC's policies, practices or procedures and make a determination whether or not reasonable modification/accommodation can be made without causing a direct threat to the health or safety of others, without resulting in a fundamental alteration of the service, and would not result in an undue financial and administrative burden. The Customer Service Manager shall also determine whether the requested modification/accommodation is necessary for the individual with a disability to access BPTC service.

The Customer Service Manager may offer to meet with the complainant or representative of the complainant if such a meeting would facilitate the process for properly investigating the complaint. Such meeting may at the discretion of the Customer Service Manager include a field site visit if it involves investigation of a matter that deals with external circumstances.

A written response shall be made by the Customer Service Manager to the complainant within ten (10) business days following receipt of the complaint

assuming the matter can be reasonably resolved within such timeframe. If more than ten (10) business days are needed to investigate the matter, the Customer Service Manager shall communicate to the complainant where the matter stands and the expected period of time needed to properly investigate and make a final determination. In the written response provided by the Customer Service Manager, he/she shall provide reasons for his/her determination.

Appeals Process

When a request for modification/accommodation has been denied by the Customer Service Manager, the complainant may appeal that determination to the BPTC General Manager by submitting a request within thirty (30) days of the denial. Currently, the BPTC General Manager is Mr. Lew May. Such request shall be submitted to the General Manager via one of the following methods: (mail) BPTC General Manager, 130 W. Grimes Lane, Bloomington, IN 47403; (email – currently) mayl@bloomingtontransit.com; (phone) (812) 336-7433.

The BPTC General Manager shall review the appeal and provide a written decision within thirty (30) days of receipt of the appeal. If more than thirty (30) business days are needed to investigate the matter, the General Manager shall communicate to the complainant where the matter stands and the expected period of time needed to properly investigate and make a final determination. In the written response provided by the General Manager, he/she shall provide reasons for his/her determination.

The General Manager may offer to meet with the complainant or representative of the complainant if such a meeting would facilitate the process for properly investigating the request or complaint. Such meeting may at the discretion of the General Manager include a field site visit if it involves investigation of a matter that deals with external circumstances.

Communicating Requirements to BPTC Board and Personnel

The BPTC General Manager shall communicate the general aspects of this process to the BPTC Board of Directors and BPTC Department Managers. The BPTC General Manager shall provide organizational support to the BPTC Customer Service Manager for implementation and adherence to this process.

The BPTC Customer Service Manager shall communicate the process to Operations Supervisors including the Training Supervisor and shall develop the necessary means to ensure BPTC personnel understand and comply with the process. This includes establishing the necessary protocols for fixed route and

paratransit operators to follow when they encounter a request for modification from an individual with a disability while in revenue service.

4. Advertising of Complaint Procedures

BPTC shall advertise the procedures for filing a complaint in the following manner:

- On BPTC's website;
- On signage posted within vehicles;
- On a bulletin board posting at the BPTC Downtown Transit Center
- In the BT Access Customer Handbook

The BPTC Customer Service Manager with the support and oversight of the BPTC General Manager shall ensure that the above noted advertising methods are implemented and remain current.

5. Accessibility of Complaint Procedures

BPTC shall make the complaint procedures available in accessible formats upon request including large print, email, or audio recording. Persons desiring an accessible format shall contact BPTC and make such a request at (812) 336-7433. The BPTC Customer Service Manager shall ensure that accessible formats are readily available upon request.