

Reasonable Modification Policy

Background

On March 13, 2015, as part of the Federal Register Vol. 80, No. 49 (80FR13253), the Federal Department of Transportation (DOT) issued a Final Rule effecting 49 CFR Parts 27 and 37: Transportation for Individuals with Disabilities; Reasonable Modification of Policies and Practices. The purpose behind this final rule is:

“...specifically to provide that transportation entities are required to make reasonable modifications/accommodations to policies, practices, and procedures to avoid discrimination and ensure that their programs are accessible to individuals with disabilities.”

Policy

Capital Area Transit System (CATS) is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services, and activities. Capital Area Transit System (CATS) recognizes that, in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Capital Area Transit System (CATS) will adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. Capital Area Transit System (CATS) does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Capital Area Transit System (CATS) will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate. ***No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Capital Area Transit System (CATS), or be subject to discrimination by Capital Area Transit System (CATS).***

Reasonable Modifications

A reasonable modification is a change or exception to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services, and activities. Capital Area Transit System (CATS) will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for qualified individuals with disabilities, unless:

- Making the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health or safety of other passengers.
- The individual with a disability is able to fully use Capital Area Transit System (CATS)'s service without the accommodation being made.
- Where granting the request would cause an undue financial and administrative burden.

Eligibility Criteria

An individual is eligible to be considered to receive a reasonable modification if that individual has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such impairment, or been regarded as having such impairment.

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Requests for Reasonable Modifications

Capital Area Transit System (CATS) provides information about how to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines. Capital Area Transit System (CATS) will follow these procedures when taking requests:

- a. Individuals requesting modifications shall describe what they need in order to use the service.
- b. Individuals requesting modifications are not required to use the term "reasonable modification" when making a request. Personnel at Capital Area Transit System (CATS) will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Capital Area Transit System (CATS) requests that individuals make such requests for modifications before Capital Area Transit System (CATS) is expected to provide the modified service.
- d. 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, demand response, or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel will consult with Capital Area Transit System (CATS)'s management before making a determination to grant or deny the request.

Requests for accommodation can be submitted in any written format (i.e. letter, email). Alternative means of filing a request, such as personal interviews, or phone call requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request. The reasonable accommodation process begins as soon as the request for accommodation is made.

Requests for Reasonable Modifications

When a request for accommodation is made, Capital Area Transit System (CATS) will make every effort to engage in a good faith interactive process with the individual requesting an accommodation to determine what, if any accommodation shall be provided. Communication will be a priority throughout the entire process. That communication will include information about the request, the process for determining whether an accommodation will be provided, and the potential accommodations.

Time Frame for Processing Requests and Providing Reasonable Modifications

Capital Area Transit System (CATS) will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Capital Area Transit System (CATS) recognizes, however, 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.

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Granting a Reasonable Modification Request

As soon as Capital Area Transit System (CATS) determines a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided in addition to the written response.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, Capital Area Transit System (CATS) shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

Denying a Reasonable Modification Request

As soon as Capital Area Transit System (CATS) determines a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided in addition to the written response.

Complaint Process

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a formal complaint. Capital Area Transit System (CATS) has a process for recording, investigating, and tracking complaints. Complaints are taken by Capital Area Transit System (CATS) staff via telephone. Additionally, individuals can file a complaint via email to kdenman@brcats.com. Alternative means of filing complaints, such as personal interviews, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Capital Area Transit System (CATS) investigates complaints and will issue a final response within 14 days of receipt.

Note: Once the complaint is received, the complainant will receive an acknowledgement of receipt typically within three days after the complaint was filed. If more information is needed to resolve the complaint, Capital Area Transit System (CATS) may contact the complainant. If the information is not received within 30 days from the date of the original complaint, the complaint will be marked undetermined and closed.

After Capital Area Transit System (CATS) investigates the complaint, a decision will be rendered in writing to the complainant. Capital Area Transit System (CATS) will issue either a Letter of Closure or Letter of Finding.

- a. **Letter of Finding** – This letter will summarize the complaint; any interviews conducted regarding the complaint, and explain what actions will be taken by Capital Area Transit System (CATS) to address the complaint.
- b. **Letter of Closure** – This letter will explain why Capital Area Transit System (CATS) has determined the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

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If the complainant disagrees with the decision of Capital Area Transit System (CATS), an opportunity to appeal the decision may be pursued provided the notice of appeal is received within 21 days of the initial decision by Capital Area Transit System (CATS).

In the event of appeal, the complainant will be granted all due process, including the ability to present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

Designated Employee

Capital Area Transit System (CATS)'s designated official responsible for processing reasonable modification requests is:

Vanessa Dargin – CATS ADA Coordinator
Capital Area Transit System (CATS)
2250 Florida Boulevard
Baton Rouge, LA 70802
(225) 389-8920
vgdargin@brcats.com

Record Retention

Capital Area Transit System (CATS) will maintain all records related to reasonable modification requests and denials for at least four (4) years.