

# Memorandum



To: Transit Advisory Committee  
From: Michael Koch, Transit Manager  
SUBJECT: Reasonable Modifications Policy

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## Purpose

The Lift is committed to providing safe, reliable, accessible, and user-friendly services to our customers, including those with disabilities. To ensure equal and safe access to all riders, this policy outlines the procedures for receiving, processing, and responding to requests for reasonable modifications to The Lift's policies or practices by persons with disabilities.

## Legislation

On March 13, 2015, the Department of Transportation issued a Final Ruling regarding 49 CFR Parts 27 and 37 *Transportation for Individuals with Disabilities; Reasonable Modification of Policies and Practices*. This ruling requires public entities providing designated public transportation services to make *reasonable* modifications/accommodations to policies and practices to ensure program accessibility. The rule further requires that public entities adopt a formal process for tracking and responding to said requests for modifications.

## Procedure

- Individuals requesting modifications shall describe what they need in order to use the service.
- Individuals requesting modifications are not required to use the term "reasonable modification" when making a request.
- Whenever feasible, requests for modifications shall be made and determined in advance, before The Lift is expected to provide the modified service, for example, during the paratransit eligibility process, through customer service inquiries, or through The Lift's complaint process.
- Where a request for modification cannot practicably be made and determined in advance, operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with The Lift's management before making a determination to grant or deny the request.
- Requests for modification of The Lift's policies and practices may be denied only on one or more of the following grounds:
  - Granting the request would fundamentally alter the nature of The Lift's services, programs, or activities;
  - 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 Lift's services, programs, or activities for their intended purpose.

## Examples of Reasonable Requests

### **Obstructions**

For fixed route services, 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. Transportation entities are not required to pick up passengers with disabilities at non-designated locations. Fixed route operators would not have to establish flag stop or route-deviation policies, as these would be fundamental alterations to a fixed route system rather than reasonable modifications of a system. Likewise, subject to the limitations discussed in the introduction to this appendix, paratransit operators should be flexible in establishing pick up and drop off points to avoid obstructions.

### **Eating or Drinking on Board**

If a passenger with a medical condition requests to eat or drink aboard a vehicle in order to avoid adverse health consequences, the request should be granted. 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.

## Contact

Please call the following numbers to make a request for reasonable modification *before* using the service, if at all practical: Dispatch at 970-726-4163 or Winter Park Transit Dept: 970-726-8081 x210