

# **BATA**

## **Reasonable Modification Policy**

### **July 2018**

#### **1. Policy**

Brookings Area Transit Authority is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services, and activities. Brookings Area Transit Authority recognizes that, in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Brookings Area Transit Authority 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. Brookings Area Transit Authority 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. Brookings Area Transit Authority will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

#### **2. 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. Brookings Area Transit Authority 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 Brookings Area Transit Authority's service without the accommodation being made; or
- Where granting the request would cause an undue financial and administrative burden.

#### **3. Requests for Accommodations**

Requests for accommodations of Brookings Area Transit Authority's policies, practices, or procedures to accommodate an individual with a disability may be made either in advance or at the time of the transportation service. Brookings Area Transit Authority is best able to address and accommodate a request when customers make their requests for modifications in advance. The process for making a request is as follows:

- When making a request, please thoroughly describe what is needed in order for you to use the service, and why this assistance is necessary.
- Whenever feasible, a request for modification to Brookings Area Transit Authority's service should be made in advance before Brookings Area Transit Authority is expected to provide the service. Brookings Area Transit Authority will review your request, and will make every effort to communicate in advance whether or not the requested modification can be made.

#### **Same Day Requests:**

- When a request for modification cannot practicably be made and determined in advance, you may make a request on the same day, at the time or, or during service.
  - Requests should be made to the operator of your bus.

- Operators may grant a request if such request is reasonable and meets the requirements of the Agency's policy.
- If an Operator is unsure if the request can be granted or declined, she/he is required to consult with the Communication Center to receive direction.
- Operator availability may be very limited when providing service and if the request would require extended consideration, we may not be able to grant your request immediately, and you may be encouraged to submit a written request for further consideration in future trips.
- Brookings Area Transit Authority's ability to grant the requested modifications may vary by route, day of travel, time of day, or other circumstances. For example, while a request may be able to be granted in one instance, that same request may be denied in another instance if granting the request would fundamentally alter the nature of the service or create a safety threat, or if the request is not a functional necessity.

**Requests can be made through the following means:**

- Call 605-692-2222;
- Email [bata@brookingsareatransit.com](mailto:bata@brookingsareatransit.com); or
- Mailed to Brookings Area Transit Authority at 418 Western Ave, Brookings SD 57006

In determining whether to grant a requested modification, Brookings Area Transit Authority will be guided by the provisions of the United States Department of Transportation at 49 CFR Appendix E to part 37.169.

**4. Process for Handling Requests**

When a request for accommodation is made, Brookings Area Transit Authority 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.

**5. Time Frame for Processing Requests**

Brookings Area Transit Authority will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Brookings Area Transit Authority 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.

**6. Granting a Reasonable Modification Request**

As soon as Brookings Area Transit Authority 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 specific transportation services, Brookings Area Transit Authority 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.

**7. Denying a Reasonable Modification Request**

Requests for accommodations will be considered on a case-by-case basis and may be denied on one or more of the following grounds:

- Granting the request would fundamentally alter the nature of Brookings Area Transit Authority's service, programs, or activities;
- Granting the request could create a direct threat to the health or safety of the requestor or others;
- Granting the request would create an undue financial or administrative burden for the Agency; or
- Without such modification, the individual with a disability is otherwise able to fully use Brookings Area Transit Authority's services, programs, or activities for their intended purpose.

In cases when a request for a reasonable modification is denied, Brookings Area Transit Authority shall take any other actions as necessary to ensure that the individual with a disability receives access to the services provided by Brookings Area Transit Authority.

### **Complaint Process**

Any person who believes she/he had been discriminated against in obtaining a reasonable modification may file a formal complaint. Brookings Area Transit Authority has a process for recording, investigating, and tracking complaints from qualified individuals. Complaints are taken by Brookings Area Transit Authority staff. In addition, individuals can file a complaint via email to [bata@brookingsareatransit.com](mailto:bata@brookingsareatransit.com). Alternative means of filing complaints, such as personal interviews or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Brookings Area Transit Authority investigated complaints generally within 10 days after receipt. Once the complaint is received, the complaint will receive an acknowledgement of receipt typically within three days after the complaint was filed. If more information is needed to resolve the complaint, Brookings Area Transit Authority 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 Brookings Area Transit Authority investigated the complaint, a decision will be rendered in writing to the complainant. If the complainant disagrees with the decision of Brookings Area Transit Authority, an opportunity to appeal the decision may be pursued provided the notice of appeal is received within 21 days of the initial decision by Brookings Area Transit Authority.

### **8. Designation of Responsible Employee**

The Transit Resource Development Director is the employee designated to coordinate efforts to comply with this policy and can be contacted as follows:

Travis Bortnem, Resource Development Director  
Brookings Area Transit Authority  
418 Western Ave  
Brookings, SD 57006  
[tbortnem@brookingsareatransit.com](mailto:tbortnem@brookingsareatransit.com)  
605-692-5416