

# Municipality of Anchorage Public Transportation Department Request for Reasonable Accommodation Process

## Background of Reasonable Modifications Regulations

On March 13, 2015 as part of the Federal Register Vol. 80, No. 49 (80FR13253), the Federal Department of Transportation 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."

## Purpose of Policy

This "Reasonable Accommodation Policy" sets forth the policy and procedures in which Public Transportation will use to receive and act on requests for modifications of transportation policies and procedures (herein referred to as "Reasonable Accommodations") made by people with disabilities in accordance with the Reasonable Accommodations requirements of the Americans with Disabilities Act.

Public Transportation is committed to providing reasonable accommodation(s) to its fixed-route bus service and/or ADA paratransit operating policies, practices and/or procedures in order to ensure that its services, programs and facilities are accessible to and usable by individuals with disabilities.

## Requirements

1. Federal funding recipients must make reasonable accommodations in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability unless recipients can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, or activity or result in an undue financial and administrative burden. This requirement applies to both

fixed-route and paratransit services. The Municipality of Anchorage (MOA), Public Transportation Department (PTD) provides transportation services as People Mover for fixed route and AnchorRIDES as paratransit dial-a-ride.

2. When considering changes to facilities or transportation services, MOA PTD must consider the most integrated setting appropriate for individuals with disabilities.
  - a. However, MOA PTD can refuse to provide service to an individual that engages on violent, seriously disruptive or illegal conduct, or represents a direct threat to the health and safety of others.
  - b. MOA PTD cannot refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.
3. Transportation agencies must provide "Origin-to-destination service" for paratransit. Origin-to-Destination service means providing service from a passenger's origin to the passenger's destination. Under this new definition, a provider may provide ADA complementary paratransit in a curb-to-curb or door-to-door mode; however, for curb-to-curb service: a provider must provide assistance to those passengers who need assistance beyond the curb in order to use the service unless such assistance would result in a fundamental alteration of the service, or present a direct threat to the driver, other riders/individuals, or the paratransit vehicle.

### **Responsible Employee**

Public Transportation's Director, Operations Superintendent or the AnchorRIDES Contract Administrator are responsible for implementing this policy and procedure.

### **Policy Advertisement**

Public Transportation will provide a link to the full text of the Reasonable Accommodation policy and procedures on its website. The policy includes information about how to make requests for reasonable modifications of its policies. A summary of the Reasonable Accommodation policy will be included in the People Mover Ride Guide as well as in the AnchorRIDES Ride Guide.

## Requesting a Reasonable Modification

Individuals may request Reasonable Accommodations online, by email, in writing or by phone. To facilitate this process, Public Transportation will make this policy and the Reasonable Accommodations Request Form available online and in hard copy upon request. Bus Operators are not authorized to make accommodations on a needs basis, this process must be completed first and each request reviewed.

## Reasonable Accommodation Request Form

Public Transportation will also make this policy and the Reasonable Accommodations Request Form available in Spanish.

1. **Online:** The customer must complete the online request form and attach any supplemental information required by this policy.
2. **By Email:** The customer must send a completed copy of this form to Public Transportation at [www.td@muni.org](mailto:www.td@muni.org) with any supplemental information required by this policy.
3. **In Writing:** The customer must complete the online request form and attach any supplemental information required by this policy. The completed form and all attachments should be mailed to: Operations Superintendent or AnchorRIDES Program Manager, 3600 Dr. MLK Jr. Ave, Anchorage, AK 99507.
4. **By Phone:** The customer may request a Reasonable Accommodation by contacting Public Transportation at 907.343.6543, Option 1, during standard business hours. Staff will either email, fax or mail this policy and the Reasonable Accommodation Request Form to the customer. If needed, staff will complete the online form for the customer based on information provided by the customer.

## Evaluating Requests

Upon receipt of a Request for a Reasonable Accommodation, Public Transportation staff will evaluate each request as follows:

- Staff will review the information in the Reasonable Accommodation Request Form and all supplemental documentation to ensure that the request is complete. If a request is incomplete, staff will follow up with the customer to advise him/her of the

missing information. However, no action will be taken on the request until it is complete.

- When the request is complete, it will be forwarded to the Operations Superintendent or his/her designee or the AnchorRIDES Contract Administrator.
- The request will be logged in to the Reasonable Modification/Accommodation spreadsheet noting the requestors name, date, contact information, specific modification request, outcome and requestor date and notification.
- The Operations Superintendent or the AnchorRIDES Contract Administrator will distribute a copy of the request (along with any and all supporting documentation provided by the requestor) to any Public Transportation or MV Transportation employee which may be called upon to provide the requested accommodation.
- When all parties have been provided a copy of the Reasonable Accommodation request, the Operations Superintendent or AnchorRIDES Contract Administrator will review the request to determine the best course of action. Within five (3) business days, the Operations Superintendent or AnchorRIDES Contract Administrator will decide either to:
  - a. Grant the accommodation requested by the customer.
  - b. Deny the accommodation requested by the customer. If a request is denied, consideration will be given to alternate approaches and/or accommodation that will enable the customer to participate in the service(s) and/or benefit from the program(s).
  - c. Negotiate the request and offer an alternate accommodation. If a request is negotiated and an alternate accommodation is proposed, priority will be given to alternate accommodations which provide services, programs and activities in the most integrated setting appropriate to the needs of individuals with disabilities.
- Because fleets and rules of operation differ between transit and paratransit, it is possible that a requested accommodation may be feasible for one provider but not for another. When communicating Public Transportation's final decision regarding each requested accommodation, the Operations Superintendent or the AnchorRIDES Contract Administrator will provide an explanation of any limitations placed on the extent to which a request can be fulfilled.

## Factors to Consider in the Evaluation of requests for Reasonable Accommodation

The Operations Superintendent or the AnchorRIDES Contract Administrator and/or his/her designee will consider the following factors when reviewing and responding to Requests for Reasonable Accommodation:

1. Does the requestor have a disability?:

Does the person requesting the modification have a disability? Is the disability “apparent?” (This might include using a mobility device (wheelchair, walker) or using a long white cane or service dog). If the noted disability is not apparent, is adequate documentation of disability provided? (This might include a current Half Fare SmartCard, or some reasonable documentation forwarded by the requestor). If the requestor has a disability, proceed. If not, the requested modification will be denied.

2. Is the requested modification necessary to enable nondiscriminatory use of the service?:

Consider the policy/procedure that the requestor has asked to have changed or modified. Also consider the requestor’s disability and the stated reason for being unable to use the service in a nondiscriminatory manner. Does the current policy/procedure keep the requestor from using the service in a nondiscriminatory way because of the disability? Is the requestor unable to use the service in a nondiscriminatory way because of the current policy/procedure, or is the reasonable accommodation being requested as a convenience or personal preference? If the current policy/procedure does prevent nondiscriminatory use of the service, proceed. If not, the requested modification will be denied.

3. Would the requested accommodation fundamentally change the nature of the service, program or activity?:

If no, proceed. If yes, the modification will be denied.

4. Would implementation of the requested accommodation create a situation that would pose a direct threat to the health or safety of others?:

If no, proceed. If yes, the exact threat should be documented in writing and the modification should be denied. (Note that possible safety threats to the requestor cannot be used as a reason to deny the requested accommodation. However, if there are possible safety risks for the requestor, these should be clearly communicated to and acknowledged by the requestor before any modifications are made).

5. Would implementation of the requested accommodation create an undue administrative or financial burden?:

This could be a burden to Public Transportation or contractors providing the service. If no, proceed. If yes, the undue burden should be spelled out in detail, in writing, and the requested modification will be denied.

### **Examples of Reasonable Modifications**

The following list, developed by the USDOT, provides examples of when reasonable accommodations should generally be made. This list is intended only to provide examples and does not constitute an exhaustive list of the reasonable accommodations that Public Transportation may provide, nor does the appearance of any reasonable modification on this list suggest or guarantee that Public Transportation can or will provide the modification in all circumstances. For more details regarding examples, refer to 49 CFR Appendix E to Part 37 (in 80 FR 13253).

- Stopping a fixed-route bus a short distance from the bus stop sign to allow a wheelchair user to avoid an obstacle, such as road construction, to boarding using a lift/ramp (assuming the alternate location does not create an unsafe traffic situation).
- Permitting passengers to board fixed route or paratransit vehicles separate from their mobility device in order to not exceed the weight-bearing load of the lift/ramp (assuming rider can do so safely and the vehicle can bear the combined weight of the passenger and his/her mobility device).
- Having the vehicle operator wait with a paratransit passenger at a transfer location until the connecting vehicle arrives, or providing a direct ride without a transfer, if the passenger cannot be left unattended at a transfer location.
- At large facilities, such as malls and hospital complexes, paratransit passengers who, because of a disability are unable to get to or from designated pickup and drop-off locations, will be dropped off and/or picked up at requested entrances within the facility.
- For passengers whose disability prevents them from independently using the fare collection systems on fixed-route buses or paratransit vehicles, driver will assist with the handling of cash or fare media and with the insertion of cash into the fare box, or with the swiping of a pass or ticket through the fare box. (This does NOT include reaching into passenger backpacks, pockets, etc.)

- Riders may eat, drink or take medicine on transit vehicles or in transit facilities when doing so is medically necessary for the rider's safety and is related to a documented disability.

Public Transportation will grant the following requests, unless granting the request (a) poses a direct threat (including resulting in a vehicle being left unattended or out of visual observation for a lengthy period of time), or (b) is a fundamental alteration of service. There may be additional requests that can be granted, but are not listed.

### **AnchorRIDES Paratransit – Getting On and Off the Vehicle and to the Door:**

1. Request to be picked up at the front door of their home.
2. Request for the driver to open an exterior entry door to a building in order to provide boarding and/or alighting assistance.
3. Request for a driver to help navigate an incline (e.g., a driveway or sidewalk) with the passenger's wheeled mobility device.
4. Assistance in traversing a difficult sidewalk (e.g., one where tree roots have made the sidewalk impassible for a wheelchair).
5. Assistance around obstacles (e.g., construction areas) between the vehicle and the door of a passenger's origin or destination.
6. Request to be assisted between an origin/destination and vehicle during extreme weather conditions.
7. A passenger's request for assistance means that the driver will need to leave passengers aboard a vehicle unattended (other than for an extended period of time resulting in loss of driver's visual contact with the vehicle).

### **AnchorRIDES and People Mover – Getting On and Off the Vehicle and to the Door:**

8. Wheelchair user requests to board a vehicle separately from his or her device when the occupied weight of the device exceeds the design load of the vehicle lift.

### **People Mover – Positioning the Vehicle:**

9. 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 or construction.

### **AnchorRIDES Paratransit – Positioning the Vehicle:**

10. Pick up and drop off at the entrance requested by the passenger, rather than at a location that has been predetermined by the transportation agency.
11. Pick up on private property with a security barrier. Yes, and operator should work with passenger to get permission of the property owner to access the private property.
12. Request that a paratransit vehicle navigate to a pick-up point to which it is difficult to maneuver a vehicle, but not impossible or impracticable to access (e.g., it is unsafe for the vehicle and its occupants to get to the pick-up point without getting stuck or running off the road).

### **AnchorRIDES Paratransit and People Mover – Fares:**

13. Handle fare media when the passenger with a disability cannot pay the fare by generally established means (e.g., in a situation where a bus passenger cannot reach or insert a fare into the farebox).

### **AnchorRIDES and People Mover – Food, Medicine and Special Requests:**

14. A passenger with diabetes or another medical condition requests to eat or drink aboard a vehicle or in a transit facility in order to avoid adverse health consequences.
15. Allow individuals to take medicine including administering insulin injections and conducting finger stick blood glucose testing.
16. Request for Personal Care Attendant to travel with a passenger.
17. Provide otherwise-allowed assistance for a return trip regardless of whether the passenger needed it on the initial trip (e.g., reasonable modifications for a dialysis patient who just received treatment).
18. Passenger requests a telephone call 5 minutes (or another reasonable interval) in advance or at time of vehicle arrival.

Public Transportation will **not** grant the following requests as they (a) pose a direct threat, or (b) pose a fundamental alteration or service and will not be granted. There may be additional requests that cannot be granted, but are not listed.



### **AnchorRIDES – Getting On and Off the Vehicle and to the Door:**

1. Request for “door-through-door” service (i.e., assisting the passenger past the door to the building).

### **AnchorRIDES and People Mover – Getting On and Off the Vehicle and to the Door:**

2. Request for a driver to assist with luggage or packages may be denied in those instances where it is not the normal policy or practice of the transportation agency to assist with luggage or packages.
3. Except in emergency situations, a passenger’s request for a driver to lift the passenger out of his or her mobility device should generally be denied.

### **People Mover – Positioning the Vehicle:**

4. Establish flag stop or route-deviation policies.

### **AnchorRIDES – Positioning the Vehicle:**

5. Violate the law or lawful access restrictions to meet the passenger’s requests to pick them up on private property with a security barrier.
6. Request exposes the vehicle and its occupants to hazards, such as running off the road, getting stuck, striking overhead objects, boarding or alighting from the vehicle driver side when on street, or reversing the vehicle down a narrow alley.

### **AnchorRIDES and People Mover – Fares:**

7. Reach in to pockets or backpacks in order to extract the fare media.
8. Pay the fare for the passenger when the passenger cannot or refuses to pay the fare.

### **AnchorRIDES and People Mover – Food, Medicine and Special Requests:**

9. Provide medical assistance.
10. Request for service outside the service area or operating hours.
11. Request that a transportation agency provide a Personal Care Attendant.
12. Care for a service animal.
13. Request for a specific driver.

14. Request for special equipment (e.g., the installation of specific hand rails or a front seat in a vehicle for the passenger to avoid nausea or back pain) can be denied so long as the requested equipment is not required by the ADA or DOT rules.
15. Request for a dedicated vehicle (e.g., to avoid residual chemical odors) or a specific type or appearance of vehicle (e.g., a sedan rather than a van, in order to provide more comfortable service).
16. Request for an exclusive paratransit trip as AnchorRIDES is a shared ride service.
17. Request for a specified vehicle model that will result in an exclusive paratransit trip as AnchorRIDES is a shared ride service.
18. Request for a driver to make an intermediate stop that would disrupt schedules and inconvenience other passengers.
19. Request to Avoid Specific Passengers as both AnchorRIDES and People Mover are shared ride services.

### **Responding to Requests for Reasonable Accommodations**

1. The Operations Superintendent or AnchorRIDES Contract Administrator will have three (3) business days to review and decide on each Reasonable Accommodation request.
2. Both will have an additional (15) business days to provide a final response to the customer.
3. The response will be provided via email if the request was received by email, and by letter if the request was made via telephone or letter. Appropriate alternative formats will be used if requested. Acknowledgement of receipt will be requested for all responses.
4. If a request is denied, or if an alternate modification is proposed, the response will detail the reasons for the denial. Requestors also will be informed of their right to appeal and how to initiate an appeal (see "Appeals").

### **Amendment of Operating Procedure**

If a Request for a Reasonable Accommodation is granted, the appropriate Operations staff will prepare new or amended operating procedure documents and distribute as appropriate. Reasonable modifications generally will be implemented in Operations within seven (7) calendar days, unless the Operations Superintendent negotiates a longer timeframe with the customer. If a longer timeframe is needed, staff will inform the

Operations Superintendent and indicate a date by which the reasonable accommodation can be put in place.

## Records of Requests and Outcomes

The Operations Superintendent or the AnchorRIDES Contract Administrator will maintain the following records for a period of not less than five (5) years:

- Copy of the completed Reasonable Accommodations Request Form with all supplemental information
- Copy of the final decision as communicated to the customer
- Copy of any appeal with all supplemental information and the final decision of the Appeals Panel
- Any other pertinent information garnered in connection with the request

## Appeals

If Public Transportation denies the requested Reasonable Accommodation, or in the event the customer does not agree with the modification offered by either People Mover or AnchorRIDES, the customer may appeal the decision.

Requests for appeals must be made either by email at [www.td@muni.org](mailto:www.td@muni.org) or by sending a written request to: Manager, Customer Service, 700 West 6th Avenue, Anchorage AK 99501.

A request for an appeal must be received no later than sixty (60) days after the date of Public Transportation's denial or offer of an alternate modification. After sixty days, the customer must initiate a new Reasonable Accommodation Request.

Individuals will be given an opportunity to be heard in person and to bring advocates. If a customer chooses not to appear in person, he or she will be permitted to submit additional documentation.

Appeals will be heard by a Reasonable Accommodation Appeal Panel consisting of: (1) the Eligibility & Travel Training Supervisor (or that person's designee); (2) a paratransit Operations Manager; and (3) the Customer Service Manager. None of the members of the Reasonable Accommodation Appeal Panel will be directly involved in the original

decision-making and outcome, or be in a direct line of authority with any of those who made the original determination.

Appeals will be scheduled as soon as is practicable but not more than thirty (30) days after the receipt of a written appeal request. The outcome of the appeal will be made in writing within thirty (30) calendar days of the date the appeal is heard. If an appeal upholds Public Transportation's original determination(s), the reasoning behind the outcome will be included in the written notification.

### **In-Service Requests**

Individuals are encouraged to request Reasonable Accommodations in advance of using the service whenever possible, and if the issue is known in advance. If issues with policies and procedures are encountered while using the service(s), individuals may make a request for a reasonable accommodation to the appropriate employee on-site (for example, the Bus Operator of the fixed route bus or the driver of the AnchorRIDE vehicle). The employee on-site will contact and inform dispatch of the request. Dispatch will provide direction as to whether or not to make the requested modification, and will document the request and any action(s) taken. Individuals are encouraged to make formal request so that appropriate service will be provided thereafter.

### **Training**

Within ninety (90) calendar days of the issuance of this policy and procedures, all transit and paratransit service operations management personnel will be provided with training regarding this policy and procedures.

Appropriate review and training regarding Reasonable Accommodation requests made "in-service" (or "on-site) will be developed for all front-line personnel. This training will be incorporated into refresher and new hire training within ninety (90) additional calendar days.