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Policy for Requesting and Receiving Reasonable Modifications

Purpose

This document sets forth the policy and procedures which Goldsboro-Wayne Transportation Authority (GWTA) will use to receive and act on requests for modifications of transportation policies and procedures, referred to as Reasonable Modifications (RM) made by people with disabilities in accordance with the Reasonable Modifications requirements of the Americans with Disabilities Act.

GWTA is committed to providing reasonable modifications to its fixed-route bus and ADA paratransit service in order to ensure its services, programs, and facilities are accessible to and usable by individuals with disabilities.

Reasonable Modification

A reasonable modification is a change in GWTA's service policies and practices in circumstances where established practices may prevent individuals with disabilities from accessing and participating fully in GWTA's programs, services, and facilities.

Responsible Employee

GWTA Executive Director or designee is responsible for implementing this policy and procedure.

Requesting a Reasonable Modification

Individuals may request RM's on-line, by email, in writing or by phone. To facilitate this process GWTA will make this policy and the Reasonable Modification Request Form (Attachment A) available on-line and in hard-copy upon request.

GWTA also will make this policy and the Reasonable Modifications Request Form available in the following alternate formats: large print and electronic. This policy and the Reasonable Modifications Request Form also will be available in a foreign language.

- On-line – The customer must complete the On-Line Request Form.

GWTA TRANSIT

PHONE: (919) 736-1374 • WEBSITE: RIDEGWTA.COM • FAX: (919) 731-1558

- By Email – The customer must send the completed copy of this form to GWTA at gwta@waynegov.com.
- In Writing – The customer must complete the On-Line Request Form and mail to Executive Director, GWTA, PO Box 227, Goldsboro, NC 27533.
- By Phone – The customer may request a Reasonable Modification by contacting GWTA at 919-736-1374. GWTA staff will either email, fax, or mail this policy and Reasonable Modification Request Form to the customer.

Evaluating Requests

Upon receipt of a Request for a Reasonable Modification, GWTA will evaluate each request as follows:

- Initial review for completeness – staff will review the information in the Reasonable Modifications Request Form and all supplemental documentation to ensure that the request is complete. If the request is not complete, 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 Executive Director or designee.
- The Executive Director or designee will review the request to determine the best course of action. Within five business days a decision will be made to either.
 1. Grant the modification requested by the customer.
 2. Deny the modification requested by the customer. If a request is denied, consideration will be given to alternate approaches and/or modifications that will enable the customer to participate in the service and/or benefit from the program.
 3. Negotiate the request and offer an alternate modification. If a request is negotiated and an alternate modification is proposed, priority will be given to alternate modifications which provide services, programs and activities in the most integrated setting appropriate to the needs of individuals with disabilities.

Factors to Consider in the Evaluation of Requests for Reasonable Modification

The Executive Director or designee will consider the following factors when reviewing and responding to Requests for Reasonable Modifications:

1. Does the requestor have a disability? Is the disability apparent? This might include using a mobility device or using a long white cane or service animal. If the noted disability is not apparent, is adequate documentation of disability provided? 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 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 modification 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 modification fundamentally change the nature of the service, program, or activity? If no, proceed. If yes, the modification will be denied.

4. Would the implantation of the requested modification 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 reason to deny the requested modification. 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 modification create an undue administrative or financial burden? This could be a burden to GWTA. 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 USDOT, provides examples of when reasonable modification should generally be made. This list is intended only to provide examples and does not constitute an exhaustive list of the reasonable modifications that GWTA may provide, nor does the appearance of any reasonable modification on this list suggest or guarantee that GWTA can or will provide the modification in all circumstances.

- 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 ADA 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 the ADA 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, ADA passengers who, because of a disability are unable to get to or from designate pickup and dropoff 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 system on fixed-route buses or ADA vehicles, driver will assist with the handling of cash or fare media and with the insertion of cash into the farebox. (This does not include reaching into passenger backpack, 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.

Responding to Requests for Reasonable Modifications

The Executive Director or designee will have five business days to review and decide on each RM request. The Executive Director or designee will have an additional three business days to provide a final response to the customer.

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.

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 reasonable modification is granted, reasonable modifications to operating procedures will be implemented within seven calendar days, unless the Executive Director or designee negotiates a longer timeframe with the customer. If a longer timeframe is needed, Executive Director or designee will indicate a date by which the reasonable modification can take place.

Records of Requests and Outcomes

The Executive Director or designee will maintain the following records for a period on not less than five years:

- Copy of the completed Reasonable Modifications 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 by the Appeals Panel.
- Any other pertinent information garnered in connection with the request.

Appeals

GWTA denies the requested Reasonable Modification, or in the event the customer does not agree with the modification offered by GWTA, the customer may appeal GWTA's decision. Requests for appeals must be made by email gwta@waynegov.com or by sending a written request to Executive Director, GWTA, PO Box 227, Goldsboro, NC 27533.

A request for an appeal must be received no later than sixty days after the date of GWTA denial or offer of an alternate modification. After sixty days, the customer must initiate a new Request for a Reasonable Modification.

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 Modifications Appeal Panel appointed by the GWTA Board of Directors. None of the members of the Reasonable Modifications Appeal Panel will be directly involved in the original decision-making and outcome.

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

In-Service Requests

Individuals are encouraged to request Reasonable Modifications 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, individuals may make a request for a reasonable modification to the appropriate employee on-site (for example, the driver of the fixed route bus or ADA 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 taken. Individuals are encouraged to make formal request so that appropriate service will be provided thereafter.

Training

Within sixty calendar days of the issuance of this policy and procedures, all transit and paratransit service operations personnel will be provided with training regarding this policy and procedures. This training will be incorporated into new hire and refresher training within sixty additional calendar days.

Adopted: 12/10/2015
Date

GWTA Board Chair: 
Brent Heath