



## DIAL-A-RIDE

### **Americans with Disabilities Act (ADA)**

### **Reasonable Modification / Accommodation Policy**

*Transit Operations Division*

Effective July 13, 2015

#### **1.0 Purpose**

In accordance with 49 CFR Parts 27 and 37, Transportation Department (Department), which includes Culver City Dial-A-Ride (DAR), is committed to implementing new and/or modified rules, regulations, practices, and operating procedures, in order to provide reasonable modifications / accommodation under ADA in order to avoid discrimination on the basis of disability. The focus of this policy is to encourage request for reasonable modification / accommodation that would allow the ability for more disabled people, who would otherwise be unable to ride Culver City's DAR, the ability to use our service versus request for reasonable modification / accommodation based on convenience.

#### **2.0 Nondiscrimination**

It is not discrimination for the Department to refuse service to any individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others.

The Department will not refuse to provide service to an individual with disabilities solely based on the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience other persons or employees.

#### **3.0 Designated Contact Person**

Any questions about this policy should be referred to:

Samantha Blackshire  
Transit Operations Manager  
Culver City Transportation Department  
4343 Duquesne Ave.  
Culver City, CA 90232  
Email: [reasonablemodification@culvercity.org](mailto:reasonablemodification@culvercity.org)  
Fax: (310) 253 – 6515  
Telephone: (310) 253 – 6585

#### **4.0 Requests for Reasonable Modification / Accommodation**

Those persons requesting reasonable modification/accommodation are not required to use the term “reasonable modification” or “reasonable accommodation” in order for such a request to be considered.

##### Requests in Advance

Individuals are encouraged to request reasonable modification/accommodation in advance, prior to the service being provided, whenever possible by the following methods:

- A. Mail: Samantha Blackshire  
Transit Operations Manager  
Culver City Transportation Department  
4343 Duquesne Ave.  
Culver City, CA 90232
- B. Email: reasonablemodification@culvercity.org
- C. Fax: (310) 253 - 6513
- D. Telephone: (310) 253 – 6585

Individuals requesting a reasonable modification/accommodation should complete the Culver CityBus Reasonable Accommodation/Modification Request Form by either contacting the Department by telephone number or by going to the Culver CityBus website [www.Transportation/TransportationServices.aspx](http://www.Transportation/TransportationServices.aspx).

All determinations for reasonable modification / accommodation submitted in advance will be communicated to the requester in a timely manner. The Transit Operations Division (Division) will be informed of all approved request also in a timely manner. If a request for modification is denied the Department shall take, to the maximum extent possible, any other actions (that would not result in a direct threat or fundamental alteration) to ensure that the individual with a disability receives the services provided by the Department.

##### Requests While In-Service

Drivers shall contact a Transit Operations Supervisors (Supervisors) immediately when a request for reasonable modification / accommodation is made while in-service. Supervisors will make the determination if a request is approved or denied. The Department will continue to stress the importance of being consist when making reasonable modification / accommodation determinations. If necessary a Supervisor may consult with management before making a determination. Supervisors will

document the request and its determination on the Reasonable Modification / Accommodation Request Determination Form. Drivers will convey the outcome of the determination to the participant.

### Various Requests for Reasonable Modification / Accommodation

#### A. Request for Reasonable Modification / Accommodation - **Approved**

Request for accommodations will be approved should the request assist participants with disabilities to use public transit services that would otherwise not be accessible and not based on convenience.

Examples of requests that would be approved allow participants:

1. With diabetes or other medical conditions to eat and/or drink while on-board;
2. To take medication; administer insulin injections; or conduct finger stick blood test while on-board a bus in order to avoid adverse health consequences;
3. To board separately from their wheelchair when the occupied weight of the device exceeds the weight capacity of the lift;
4. To be picked up / dropped off at the entrance requested for public places (i.e. shopping malls, employment centers, schools, hospitals, airports etc.) or at home but not at the front door;
5. To have the Driver open an exterior entry door to a building to provide boarding and / or alighting assistance;
6. Pick up / dropped off at a location that is difficult, but not impossible or impracticable to access;
7. Assistance navigating an incline (i.e. driveway or sidewalk) with a wheeled device; or assistance in traversing a difficult sidewalk (i.e. one where tree roots have made the sidewalk impassible for a wheelchair); or assistance around obstacles (i.e. construction areas) between the vehicle and a door to the participants home or destination;
8. Assistance from door of home to vehicle during extreme weather conditions;
9. A telephone call 5 minutes (or another reasonable interval) in advance or at time of vehicle arrival.

## B. Requests for Reasonable Modification / Accommodation- Denied

Request may be denied if granting the request would:

1. Fundamentally alter the nature of the services, programs or activities;

Examples:

- Flag down;
- Drivers requested to care for service animal;
- Drivers requested to provide Personal Care Attendant (PCA) services; or
- Hand carrying a participant or their mobility device; and
- Special equipment (i.e. the installation of specific hand rails or front seat in a bus for passengers to avoid nausea or back pain) or for dedicated vehicle (i.e. to avoid residual chemical orders) or specific type or appearance of vehicle (i.e. sedan rather than van or bus in order to provide more comfortable service);
- Exclusive or reduced capacity DAR trip;
- Door-through-door service (i.e. assisting the passenger past the door to the building);
- Not to ride with a specific passenger.

2. Creates a direct threat to the health and safety of others;

Examples:

- Leaving the bus unattended or out of visual observation for a lengthy period of time;
- Operate a bus along a path that exposes it to hazards, such as running of the road, getting stuck, striking overhead objects, or reversing down a narrow alley;
- Allowing a participant with a cart to block the aisle;
- A participant boarding/riding with an uncontrolled animal;

- Participant refuses to be secured by wheelchair securement device; or
  - Participant refuses to utilize a seatbelt.
3. Result in an undue financial and administrative burden.  
Example:
- Providing public transit services beyond normal operating hours or to areas not currently serviced by the Department.
4. Without the requested modification, the individual with a disability is still able to fully use the bus services, programs or activities for their intended purpose;

If a request for modification is denied the Department shall take, to the maximum extent possible, any other actions (that would not result in a direct threat or fundamental alteration) to ensure that the individual with a disability receives the services provided by the Department.

C. Currently **Approved DAR Practices** to Accommodate Customers with Disabilities

Examples:

- Move the bus in order to board / discharge passengers in a safe location to avoid obstacles i.e. construction, parked cars etc.;
- Assist a disabled passenger who is unable to place his/her cash donation in the drop box. Drivers are not required to reach into or go through pockets, backpacks, purses, wallets etc.;
- Participants are allowed to ride even though they may not make a donation;
- Assist a disabled participant with grocery bags (not including luggage). There is a three (3) bag limit for personal items. Bags may not block the aisle. Drivers may assist with the loading and unloading of groceries that weigh less than 15 pounds when they deem this assistance is necessary;
- After arrangements have been made for pick up / drop off participant request to stop at a pharmacy and have the bus park outside and wait before continuing ride home. Such request will be granted when it does not disrupt the schedule or inconvenience other participants;

- If available a specific Driver maybe requested to provide DAR service;
- On return trip a disabled participant needs assistance whereas this type of assistance was not needed when leaving home;
- Drivers may assist a participant that would require them to leave other passengers on-board the bus unattended as long as it is not out of visual observation for a lengthy period of time. Remember to always secure and shut down the bus prior to exiting the Driver's area;
- Picked up / dropped off on private property (i.e. gated community, business or government facility where vehicle access requires authorized passage through a security barrier).

## 5.0 Complaints

The Transit Operations Manager will coordinate the Department's efforts to comply with the federal reasonable modification/accommodation policy. The Department shall adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this policy.

A complaint may be submitted by completing the Reasonable Modification / Accommodation Complaint Form found on the DAR webpage at [www.Transportation/TransportationServices.aspx](http://www.Transportation/TransportationServices.aspx). All complaints must contain the following information from the complainant:

- Name
- Telephone Number; or
- Email Address; or
- Address;
- Date reasonable accommodation / modification was made
- Detailed description of requested accommodation / modification

Complaints maybe submitted via the following methods:

A. Mail: Samantha Blackshire  
Transit Operations Manager  
Culver City Transportation Department  
4343 Duquesne Ave.  
Culver City, CA 90232

B. Email: [reasonablemodification@culvercity.org](mailto:reasonablemodification@culvercity.org)

C. Fax: (310) 253 - 6513

D. Telephone: (310) 253 – 6585

Complaints regarding denied request will be investigated by the Department in order to determine if the rules, regulations, policies and procedures were violated. Any corrective actions needed will be communicated to Operations immediately. The Department will promptly communicate its response to the complainant and include the reason for the response.

## Examples of Reasonable Modification / Accommodation

### **Example 1 – Obstructions:**

A participant's request for an Drivers to position the bus to avoid obstructions to the participant's ability to enter or leave the bus at a designated bus stop, such as parked cars and construction, should be granted so long as positioning the bus 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 bus stop.

Drivers are not required to pick up participants with disabilities at non designated bus stops. Nor should a flag stop or route deviation policy be established since it would fundamentally alter the fixed route system rather than create a reasonable modification.

### **Example 2 - Fare Handling:**

A participant's request for a Drivers to handle the fare media when the participant with a disability cannot pay the fare by the generally established means (i.e. a participant cannot reach or insert a fare into the farebox) should be granted. Drivers are not required to reach into pockets or backpacks in order to extract the fare media.

### **Example 3 - Eating and Drinking:**

If a participant with diabetes or another medical condition request to eat or drink while on-board the bus in order to avoid adverse health consequences, the request should be granted, even if the Division has a policy that prohibits eating or drinking. For example, a person with diabetes may need to consume a small amount of orange juice in a closed container or a candy bar in order to maintain blood sugar levels.

### **Example 4 – Medicine:**

A participant's request to take medication while on-board the bus should be granted. For example, the Division shall hereby modify its rules, regulations and operating procedures to allow participants to administer insulin injections and conduct finger stick blood glucose testing. Drivers need not provide medical assistance, however, as this would be a fundamental alteration of their function.

### **Example 5 – Boarding Separately from Wheelchair:**

A wheelchair participant's request to board the bus separately from his/her chair when the occupied weight of the device exceeds the design load of the vehicle lift should be generally granted. Note: The Division is required to accommodate a device/user loads and dimensions that exceed the former "common wheelchair" standard, as long as the bus and lift will accommodate them.

### **Example 6 – Outside of the Service Area**

A participant's request for service maybe denied when honoring that request would require the Division to travel outside of its service area or to operate outside of its operating hours. This request would not be a reasonable modification because it would constitute a fundamental alteration of the service.

### **Example 7 – Personal Care Attendant (PCA)**

While PCAs may travel with a participant with a disability, the Division is not required to provide a personal care attendant or personal car attendant series to meet the needs of participants with disabilities when in-service. For example, a participant's request for an Drivers to remain with the participant who due to his/her disability, cannot be left alone without an attendant upon reaching his/her destination may be denied. It would be a fundamental alteration of the Driver's function to provide PCA services of this kind.

### **Example 8 – Payment**

A participant's request for a Drivers to provide service when the participant with a disability cannot or refuses to pay the fare may be denied. If the Division requires payment to ride, then to provide free service would constitute a fundamental alteration of the service.

### **Example 9 – Caring for Service Animals**

A participant's request that the Drivers take charge of a service animal may be denied. Caring for a service animal is the responsibility of the participant or a PCA.

### **Example 10 – Exposing Vehicles to Hazards**

A participant's request that a bus follow a path to a pick up or drop off point that would expose the bus and its occupants to hazards, such as running off the road, getting stuck, striking overhead objects, or reversing the bus down a narrow alley, the request can be denied as creating a direct threat.

### **Example 11 – Specific Drivers**

A participant's request for a specific Drivers may be denied. Having a specific Drivers is not necessary to afford the participant the service provided by the Division.

### **Example 12 – Luggage and Packages**

A participant's request for a Drivers to assist with luggage or packages may be denied in those instances where it is not the normal policy or practice of the transit agency to assist with luggage or packages. Such assistance is a matter for the participant or PCA, and providing this assistance would be a fundamental alteration of the Driver's function.

**Example 13 – Unattended Participants**

A participant's request for assistance means that the Drivers will need to leave participants aboard a bus unattended, the request can be granted as long as it would not leave the vehicle unattended or out of visual observation for a lengthy period of time, both of which could involve direct threats to the health or safety of the unattended participant. It is important to keep in mind that, just as an Drivers is not required to act as a PCA for a participant making a request for assistance, so an Drivers is not intended to act as a PCA for other participants on the vehicle, such that he/she must remain in their physical presence at all times.

**Example 14 – Hand-Carrying**

Except in an emergency situation, a request for an Drivers to lift the participant out of his or her mobility device should generally be denied because of the safety, dignity, and privacy issues implicated by hand-carrying a participant. Hand-Carrying a participant is also a PCA type service which is outside the scope of a Driver's duties, and a fundamental alteration.