

ROCS Transits ADA Reasonable Modification Policy Procedures or Practices

Policy Overview

On March 13, 2015 the US DOT issued a Final Rule under the ADA and Section 504 of the Rehabilitation Act of 1973, “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”.

Reasonable Modifications

ROCS Transit, and the transits that ROCS manages, shall make reasonable modifications to policies, practices, or procedures when such accommodations are necessary to avoid discrimination on the basis of disability unless ROCS transits, and the transits that ROCS manages, 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.

Requests for Reasonable Modifications

Requests for reasonable modifications may be made by anyone who believes that an existing policy, procedure or practice needs to be modified to ensure that the transportation services provided by ROCS Transit, and the transits that ROCS manages, are accessible to persons with disabilities consistent with the US DOT’s “Reasonable Modification of Policies and Practices” Final Rule.

Individuals requesting modifications shall provide their contact information and describe what accommodation is needed in order to use the service. Individuals requesting modifications are not required to use the term ‘reasonable modification’ when making a request.

Requests may be emailed to the Rural Office of Community Services, Inc. (ROCS) at sfinck@rocsinc.org or mailed to ROCS Transit, Attention: Scott Finck PO Box 547, Wagner, S.D. 57380.

Whenever possible requests for modifications shall be made and determined in advance, for example, during the paratransit eligibility process or through customer service inquiries. 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.

Determinations to grant or deny a requested modification shall be guided by the provisions of Appendix E of 49 CFR Parts 27 and 37. ROCS Transit, and the transits that ROCS manages, will make, communicate and document determinations within 21 days after receiving the reasonable modification request.

Designation of Responsible Employee

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

Rural Office of Community Services, Inc. [ROCS]
Scott Finck, Transit Director
106 West Ave SW
PO Box 547
Wagner, SD 57366
sfinck@rocsinc.org
(605) 384-3883

Grounds for Denial

Requests for modification may be denied only on one or more of the following grounds:

1. Granting the request would fundamentally alter the nature of the entity's services, programs, or activities.
2. Granting the request would create a direct threat to the health or safety of others.
3. Without the requested modification, the individual with a disability is able to fully use the entity's services, programs, or activities for their intended purpose.

In cases when a request for a reasonable modification is denied, ROCS Transit, and the transits that ROCS manages, shall take any actions necessary to ensure that the individual with a disability receives access to the services provided by, ROCS Transit, and the transits that ROCS manages.

Nondiscrimination

In accordance with the Final Rule, it is not discrimination under this part for ROCS Transit, and the transits that ROCS manages, to refuse to provide service to an individual with disabilities if that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, ROCS Transit, and the transits that ROCS manages, shall not 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 ROCS Transit, and the transits that ROCS manages, or other persons.

See next page for **ADA Reasonable Modification Request Form**

