



REASONABLE MODIFICATION REQUESTS

1. Purpose

The Federal Department of Transportation (DOT) has recently revised the rules for the American with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. The revised rules provide for public transit organizations to make reasonable modifications and accommodations to policies, practices, and procedures to avoid discrimination, and to ensure accessibility to individuals with disabilities. <https://www.federalregister.gov/documents/2015/03/13/2015-05646/transportation-for-individuals-with-disabilities-reasonable-modification-of-policies-and-practices>

2. Policy

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

3. Reasonable Modifications

Individuals with disabilities may request that the Flint Hills Area Transportation Agency Inc. (FHATA) make a reasonable modification in order for that individual to fully use transit services. All requests should be made in advance by filling out and submitting a Reasonable Modification Request form to FHATA. Please see information below to obtain and file a request.

FHATA will accommodate requests provided that:

1. The fundamental nature of the service, program or activity is not altered, or,
2. It does not cause a direct threat to the health or safety of others, or,
3. It does not result in an undue financial and administrative burden, or,
4. The requestor would not be able to fully use the service provided by FHATA without modification.

4. Eligibility Criteria

An individual is eligible to be considered to receive a reasonable modification if that individual has: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or been regarded as having such impairment.

5. Time Frame for Processing Requests and Providing Reasonable Modification

FHATA will process requests for reasonable modification and then provide modifications, where appropriate, in as short a time frame as reasonably possible. FHATA recognizes, however, that the time necessary to process a request will depend on the nature of the modification(s) requested and whether it is necessary to obtain supporting information.

6. Granting a Reasonable Modification Request

As soon as FHATA determines that a reasonable modification 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 choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, FHATA 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

As soon as FHATA determines that a request for reasonable modification will be denied, FHATA will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- 1) the specific reasons for the denial;
- 2) any alternative modification that may create the same access to transit services as requested by the individual; and
- 3) the opportunity to file a complaint relative to the FHATA's decision on the request.

8. Complaint Process

FHATA has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the FHATA's website and will be provided to any individual where the FHATA has denied a request for modification. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a FHATA's Reasonable Modification Complaint Form. FHATA investigates complaints received no more than 30 days after receipt. FHATA will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, FHATA may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to FHATA.

If FHATA is not contacted by the complainant or does not receive the additional information within 30 business days, the FHATA may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After FHATA investigates the complaint, a decision will be rendered in writing to the complainant. FHATA will issue either a Letter of Closure or Letter of Finding.

- a. *Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explain what actions will be taken by FHATA to address the complaint.
- b. *Letter of Closure* – This letter will explain why FHATA has determined that the complaint does not merit modification/accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of FHATA, an opportunity to appeal the decision may be pursued provided the complainant files notice of appeal within 21 days of the initial decision of FHATA.

In the event of appeal, the complainant will be granted all due process, including the ability to be present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

9. Designated Employee

FHATA shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Anne Smith, Executive Director
Flint Hills Area Transportation Agency
Inc. 5815 Marlatt Avenue
Manhattan, KS 66503
785-537-6346
fhata@fhata.org

There are several ways to obtain and submit a Reasonable Modification request form:

- Download the policy and form from our website at: www.fhata.org
- Call 785-537-6345 or 1-877-551-6345
- Send an email to fhata@fhata.org
- Mail a request to:
FHATA
5815 Marlatt Avenue
Manhattan, KS 66503

10. Record Retention

FHATA will maintain all records related to reasonable modification requests and denials for at least three (3) years.



REASONABLE MODIFICATION REQUEST FORM

Please complete this form to request a reasonable modification of Flint Hills Area Transportation Agency Inc. services. Submit the completed form to the Reasonable Modification Coordinator via email at: fhata@fhata.org via fax at 785-537-6327 or via mail at 5815 Marlatt Avenue Manhattan, KS 66503

Date: _____ Name: _____

Phone Number: _____ Email Address: _____

Address: _____

Description of Request: _____

Location & Routes Used: _____

Are you able to ride without this modification? : _____

Comments regarding a reasonable modification request can be sent to fhata@fhata.org or you may call 785-537-6345 or 1-877-551-6345.

FHATA REASONABLE MODIFICATION PROGRAM COMPLAINT FORM

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
Date that Reasonable modification was Denied (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you should have received the modification request. Describe all persons who were involved. Include the name and contact information of the person(s) (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form. You may also attach other items that you think are relevant.				

Section IV				
Have you previously filed a complaint with this agency?			Yes	No

Signature and date required. Please submit the form in person or via mail/e-mail.

Signature

Date