



## Passenger Procedures

**PROCEDURE: Reasonable Modification of Policies, Procedures & Practices**

Approved by: June 26,2020	 Trina Fleming, Chief Executive Officer
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### **U.S. DOT REGULATIONS IMPLEMENTING ADA:**

*Summary: The Department of Transportation is revising its rules under the Americans with Disabilities Act {ADA} and Section 504 of the Rehabilitation Act of 1973, as amended, specifically to provide that transportation entities are required to make reasonable modifications/accommodations to policies, practices, and procedures to avoid discrimination and ensure their programs are accessible to individuals with disabilities.*

*Please note: Reasonable accommodation/Reasonable modification have different interpretations under Title I and Title II.*

**49 CFR §27.7 Discrimination prohibited**

*..... For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term "reasonable modifications" as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA {42 U.S.C. 12111-12112} and its implementing regulations at 29 CFR Part 1630.*

### **PURPOSE:**

WHW is committed to providing safe, reliable, courteous, accessible, user-friendly services to its customers. To ensure equality and fairness, WHW is committed to making reasonable modifications to its policies, practices, and procedures to avoid discrimination and ensure that WHW's transportation services are accessible to individuals with disabilities. If you require a reasonable modification in order to use our services, please refer to the procedure outlined below.

## IMPLEMENTATION:

Reasonable modification applies to ADA Paratransit and Non-ADA Demand Response.

### Requesting a Modification

The document below entitled "Will My Request Be Granted?" contains examples of requests that may be made and will be granted, as well as requests that will NOT be granted.

If the modification you are seeking is found on the list under the "YES" column, our Mobility Manager is authorized to grant the request.

If the request for modification is not listed in this document, you can submit your request via email, by written mail or by telephone. The request will be forwarded to the Mobility Manager for evaluation. You will receive a decision and written or emailed response within five (5) business days.

Email: [office@whw.org](mailto:office@whw.org)

PHONE: 949-631-2333

MAIL: WHW  
2803 McGaw Avenue  
Irvine, CA 92614

### Complaint Process regarding a request that has not been granted

Complaints can be submitted to WHW Program by email, written mail or by telephone. Refer to contact information above.

### Reasons a Request for Modification May Be Denied [DOT CFR 47 § 37.169(c)]

- A request may be denied if granting the request would fundamentally alter the nature of the services, programs, or activities offered by WHW.
- A request may be denied if granting the request would create a direct threat to the health or safety of others (including operators and other passengers).
- A request may be denied if, without the requested modification, the individual with a disability is still able to fully use WHW's services, programs, or activities for their intended purpose.

## Will My Request Be Granted?

WHW has attempted to list standard requests for modification to policies/procedures/practices that will or will not be granted. Other requests will be evaluated as received (see procedures above).

**YES**

**NO**

### Getting On and Off the Vehicle & To the Door: Paratransit

WHW currently provides door-to-door service and already accommodates most requests that are covered under the regulations.

YES- A passenger may request a telephone call be made to them five minutes (or another reasonable interval) in advance of arrival of the paratransit bus

NO- A request will not be granted for assistance that results in the operator not having visual contact with the bus or requiring him to leave the vehicle unattended for a period of time.

YES- A passenger may request to board separately from his or her wheelchair when the occupied weight of the device exceeds the design load of the vehicle lift

NO- Under normal conditions, a request will not be granted for the operator to take control of a motorized wheelchair or scooter (someone must travel with individual to take responsibility for the mobility device).

- The operator will take control of a manual wheelchair and ensure it is appropriately loaded and secured.

Exceptions:

- A "courtesy" assist request due to a dead battery to ensure a return trip to home will be granted. It is expected that the issue will be resolved before the individual travels again.
- A motorized wheelchair that has a dead battery will not be transported from home.
- The operator will assist whenever an emergency situation arises on board the vehicle that requires evacuation.

NO- A request will not be granted for the operator to assist with luggage or packages.

NO- A request will not be granted for the operator to lift an individual out of his or her mobility device in order to transfer him or her to a seat (except in case of an emergency on board the vehicle requiring evacuation).

NO- A request will not be granted for "door-through-door" service (assisting the passenger past the main entrance further into the building).

Getting On and Off the Vehicle: Fixed Route	
<p>YES- A passenger may request to board separately from his or her wheelchair when the occupied weight of the device exceeds the design load of the vehicle lift</p> <ul style="list-style-type: none"> <li>The operator will take control of a manual wheelchair and ensure it is appropriately loaded and secured.</li> </ul>	<p>NO- Under normal conditions, a request will not be granted for the operator to take control of a motorized wheelchair or scooter (someone must travel with individual to take responsibility for the mobility device). Exceptions:</p> <ul style="list-style-type: none"> <li>A "courtesy" assist due to a dead battery; it is expected that the issue will be resolved before the individual travels again.</li> <li>An emergency situation on board the vehicle</li> </ul>
	<p>NO- A request will not be granted for the operator to assist with luggage or packages.</p>
	<p>NO- A request will not be granted for the operator to lift an individual out of his or her mobility device in order to transfer them to a seat (except in case of an emergency)</p>
Positioning the Vehicle – Fixed Route	
<p>YES- A request may be made from a rider to position the bus within a reasonable distance at a safe location 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, and</p>	
Positioning the Vehicle: Paratransit	
<p>YES -A request will be granted for a pick up and drop off at the entrance requested by the passenger, rather than at a location that has been predetermined by WHW.</p>	
<p>YES- A request may be made for a pick up on private property with a security barrier. WHW will work with the passenger to get permission of the property owner to access the private property.</p>	<p>NO- WHW will not violate trespassing laws or lawful access restrictions to meet the passenger's requests to pick them up on private property with a security barrier.</p>
	<p>NO- A request will not be granted if it exposes the vehicle and its occupants to hazards, such as running off the road, getting stuck, striking overhead objects, damaging the vehicle.</p>
Fares: Paratransit and Fixed Route	
<p>YES -A request may be made by a passenger with a disability to assist with fare payment if the fare is readily accessible (e.g., in a situation where a bus passenger cannot reach or insert a fare into the fare</p>	<p>NO- A request will not be granted for WHW employees to reach into any personal items or bags in order to extract the fare media.</p>

Fares: Paratransit and Fixed Route	
	NO- A request will not be granted for WHW operators to pay the fare for the passenger when the passenger cannot or refuses to pay the fare.
	NO -A request will not be granted for transportation to be provided when the customer does not pay the fare.
Food & Medicine- Paratransit & Fixed Route	
YES- A passenger may request to eat or drink on board a vehicle in order to avoid adverse health consequences (Examples: diabetes, medical treatment just received such as dialysis). The customer will be required to ensure that any liquid is contained as best as possible to avoid spillage and to	NO- A request will not be granted for operators to provide medical assistance. If medical assistance is needed, 911 will be called.
YES- A passenger may take medicine while on board the bus (including administering insulin injections and conducting finger stick blood glucose testing). It is recommended that the bus operator be notified if the bus needs to stop for a moment to allow for an injection. The customer is expected to use extreme caution in order to avoid health hazards for other passengers and is responsible to remove	
Special Requests- Paratransit & Fixed Route	
	NO- A request will not be granted for service outside the
	NO- A request will not be granted for WHW to provide a
	NO- A request will not be granted for an operator to care for a service animal.
	NO- A request will not be granted for a specific operator
	NO- A request will not be granted for special equipment,
	NO- A request will not be granted for an exclusive paratransit trip one-on-one or only with certain passengers.
	NO- A request will not be granted for an operator to make an intermediate stop that would disrupt schedules and inconvenience other passengers; any unscheduled trip request.

END