



**City of El Monte
Public Works Department
Transportation Services Division**



Notice of City of El Monte's Transit/Paratransit Compliance with New Reasonable Modification / Accommodation Requirements

The Federal Department of Transportation has published a new regulation concerning the obligation of transit agencies to provide reasonable modification of policies or practices to accommodate the needs of individuals with disabilities. This new regulation has the potential to impact every City of El Monte employee that comes into contact with our customers with disabilities.

The regulation (49 CFR Parts 37.169) provides that customers with disabilities may request a reasonable modification of our policies and practices in order to use our services. *This new regulation is not designed to make our services more convenient to us but is specifically designed to assist those that may be unable to use fixed route services without a modification or accommodation of a City of El Monte transit or paratransit policy.*

It is anticipated that many of the situations that may arise are already covered in El Monte's many guides for Bus Operators. For example, some customers with disabilities request that the Bus Operator handle their fare as they are boarding a City bus. El Monte's policy already addresses this request by requiring that Bus Operators provide such assistance. This is a good example of a potential accommodation successfully addressed by El Monte's existing transit and paratransit policies.

Reasonable Modifications / Accommodations Request Process

Customers with disabilities are encouraged to request a reasonable modification of a City of El Monte policy in advance. Requests should be made to the City of El Monte's Transportation Services Division by email at transportation@elmonteca.gov, by telephone at 626-580-2217 or by mail at 3990 Arden Drive, El Monte CA 91731.

In many cases, however, Bus Operators or other frontline staff will receive the request for a reasonable modification of a rule or policy while in service. Bus Operators must contact the Bus Operator Committee (BOC) before authorizing a request for a modification of a City transit/paratransit policy or rule. *The City of El Monte's Bus BOC will review and determine if the request for an accommodation or modification is provided. Operators and other frontline staff will not be responsible for making such determinations.*

Other frontline staff should contact their supervisor for information on how the request should be handled.

Denial of Requests for Reasonable Modifications / Accommodations

Requests for reasonable modifications or accommodations will be denied if they meet one of the four following criteria:

1. Fundamentally alter the nature of the service, program, or activity.
2. Create a direct threat to the health or safety of others.

3. If granting the request would cause an undue financial and administrative burden on the City of El Monte.
4. If the individual would still be able to fully use the services provided by the City if the request was denied.

As previously mentioned, Bus Operators and other frontline staff will not be responsible for making determinations. The BOC will determine if such requests should be accommodated.

Customers with disabilities may file complaints regarding denied requests for a reasonable modification or accommodation with the City of El Monte's Transportation Services Division by telephone at 626-580-2217 or via email at transportation@elmonteca.gov.

Examples of Accommodations / Modifications that will usually be approved:

Eating and Drinking

- If customers with diabetes or other medical conditions request to eat or drink on City vehicles or in a City facility in order to avoid adverse health consequences, the request should be granted. 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.

Medicine

- A customer's request to take medication while on City vehicles or in a City facility should be granted. For example, customers should be allowed to administer insulin injections and conduct finger stick blood glucose testing. City employees do not need to provide assistance, as that would be a fundamental alteration of their function.

Separate Boarding

- Customers with disabilities using mobility devices must be allowed to board separate from their device if they, combined, exceed the weight capacity of a vehicle. City policies require that Bus Operators provide boarding and alighting assistance to customers. In addition, they are required to board and alight the mobility device, as required by policy; as long as doing so does not create a direct threat to themselves or another individual.

Examples of Accommodations / Modifications that will usually be denied:

Outside of the Service Area

- A customer's request for a bus to divert from a route or extend beyond the service hours may be denied as it would constitute a fundamental alteration of City service.

Caring for Service Animals

- A request by a customer with a service animal for a City and/or contracted employee to take charge of the animal may be denied. Caring for a service animal is the responsibility of the customer or a Personal Care Attendant (PCA).

Hand Carrying

- Except in emergency situations, a customer's request to be lifted out of his or her mobility device should be denied because of the safety, dignity and privacy issues implicated by hand carrying a customer. Hand carrying a customer is the responsibility of a Personal Care Assistant and is outside the scope of the City and/or contracted employee's duties and a fundamental alteration of City services.

Waiving Fare Payment

- A request by a customer with a disability to waive the fare when boarding will be denied. Accommodating this request is a fundamental alternation to City policy.

Providing a Personal Care Attendant

- Requests by a customer with a disability for the City to provide a Personal Care Attendant will be denied. Accommodating this request is a fundamental alternation to City service.

Additional Questions on the the City of El Monte's Transit/Paratransit Reasonable Modification / Accommodation Procedure:

If you have any questions or require clarification, please contact El Monte's Transportation Services Division by email at transportation@elmonteca.gov or by telephone at 626-580-2217.