

Portales Area Transit

Effective July 13, 2015, transit providers are required under 49 CFR 37.5(i)(3) to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services. The process to be used in considering requests for reasonable modifications is described in 49 CFR 37.169

Demand response or modified fixed-route service

Accessibility

Portales Area Transit is accessible to individuals with disabilities. Our buses and vans are equipped with wheelchair lifts or ramps that enable individuals in wheelchairs or individuals who cannot navigate steps to ride the bus. Buses have priority seating for individuals with disabilities. Operators are trained to assist riders and secure wheelchairs.

You may travel with your respirator, concentrator, and portable oxygen. Service animals are welcome onboard buses and vans and in our facilities. (They must be kept under the control of the passenger at all times.)

Reasonable Modification Policy

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

Procedure

Passengers can request reasonable modifications for all modes (fixed route, general public demand response, and ADA paratransit). Passengers making requests are not required to use the term "reasonable modification."

Requests should be made at least the day before but flexibility is required for on the spot requests. The transit manager will review all requests and provide the determination. For on-the-spot requests, the driver should contact dispatch. Dispatch will contact the transit manager.

Documentation will be maintained regarding the request and the resulting action taken.

Public Information

The following statement will be posted on the website and the rider guide.

Passengers with disabilities may make request modifications to current service procedures to access the service. To make a request, please call us at (575-359-4816) or email us at khall@portalesnm.gov. Please submit requests at least the day before the trip.

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Portales Area Transit will not charge additional fees for passengers requiring reasonable modifications.

A reasonable modification is a change or exception to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services, and activities. Portales Area Transit will make reasonable modifications to policies, practices and procedures when necessary to ensure access to transit services for qualified individuals with disabilities, unless:

- Making the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health or safety of other passengers.
- The individual with a disability is able to fully use Portales Area Transit System's service without the accommodation being made.

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.

Portales Area Transit shall make information about how to contact Portales Area Transit to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines. Portales Area Transit shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe what they need in order to use the service.
- b. Individuals requesting modifications are not required to use the term "reasonable modification" when making a request. Personnel at Portales Area Transit will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.

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- c. Whenever feasible, Portales Area Transit requests that individuals make such requests for modifications before Portales Area Transit is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance (*e.g.*, because of a condition or barrier at the destination of a paratransit, demand response, or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with Portales Area Transit's management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made. You may contact us via e-mail khall@portalesnm.gov, or address request to 200 E 7th Street, Portales, NM 88130. You may also contact us by phone at 575-359-4816.

The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for individuals with disabilities if unable to communicate their request in writing or upon request.

When a request for accommodation is made, Portales Area Transit and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the Portales Area Transit must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

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

As soon as Portales Area Transit determines that a reasonable accommodation 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, Portales Area Transit 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.

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

- a. the specific reasons for the denial;
- b. any alternative accommodation that may create the same access to transit services as requested by the individual; and
- c. the opportunity to file a complaint relative to the Portales Area Transit's decision on the request.

Portales Area Transit has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Portales Area Transit's website and will be provided to any individual where the Portales Area Transit has denied a request for accommodation. 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 individuals 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 Portales Area Transit's Reasonable Modification Complaint Form. Portales Area Transit investigates complaints received no more than 30 days after receipt. Portales Area Transit 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, Portales Area Transit may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Portales Area Transit.

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

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

Letter of Finding – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by [Insert name of transit provider] to address the complaint.

Letter of Closure – This letter will explain why Portales Area Transit

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

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.

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

Katherine Hall
Portales Area Transit
200 E 7th St
Portales NM, 88130
575-359-4816
khal@portalesnm.gov

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