

County of Hawai'i Mass Transit Agency
Reasonable Modification Policy
March 1, 2022

I. **Purpose**

On March 13, 2015, as part of the Federal Register Vol. 80, No. 49 [80 FR 13253], the United States Department of Transportation [DOT] issued a Final Rule effecting 49 CFR Parts 27 and 37: Transportation for Individuals with Disabilities; Reasonable Modification of Policies and Practices. This final rule stemmed from a prior Notice of Proposed Rule Making [NPRM] issued February 27, 2006 [71 FR 9761]. The purpose behind this final rule is:

"...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."

II. **Requirements**

1. Federal transit funding recipients (entities) must make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability unless recipients can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, activity, or result in an undue financial and administrative burden.
 - a. This requirement applies to both fixed-route, flex-route and paratransit services.
2. When considering changes to facilities or transportation services, entities must consider the most integrated setting appropriate for individuals with disabilities.
 - a. However, entities can refuse to provide service to an individual that engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others.
 - b. Entities are unable to refuse 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 the entity or other persons.

III. **Procedures for Reasonable Modifications/Accommodations**

All requests for reasonable modifications/accommodations [fixed-route, flex-route, paratransit, or facilities] will be processed in the following manner.

1. Request may be submitted by email at [\[heleonbus@hawaiicounty.gov\]](mailto:heleonbus@hawaiicounty.gov), written mail to County of Hawai'i Mass Transit Agency, 25 Aupuni Street, Hilo, HI 96720, by fax to 808.961.8745 or by phone to 803.961.8744, option 3 [TDD/TTY: 711 through Relay Service]. All requests will be logged into a Reasonable Modification/ Accommodation spreadsheet noting the requestors name, date, contact information and specific accommodation request being made.
2. Information regarding requesting reasonable modifications/accommodations will be available on County of Hawai'i Mass Transit Agency's website [\[www.heleonbus.org\]](http://www.heleonbus.org) as well as within the various printed materials normally provided by County of Hawai'i Mass Transit Agency [i.e., rider's guides, notices, etc.].
3. County of Hawai'i Mass Transit Agency's reasonable modifications coordinator will review and determine if modifications/accommodations should be granted at the time of the request. Additional information may be requested. Whenever feasible, request for modifications/accommodations shall be made in advance. County of Hawai'i Mass Transit Agency acknowledges that, due to the unpredictable nature of transportation, some request for modifications/accommodations may be made while in transit. As such, operating personnel shall make a determination of whether the modification should be provided at that time and document the request.
4. Prior to determination, the reasonable modifications coordinator will consult with the transit operations contractor staff regarding requests for reasonable modification.
5. Training regarding these procedures will be provided to

County of Hawai'i Mass Transit Agency and transit operations contractor staff that interacts with the public; specifically: office assistants, dispatchers, reservationists/schedulers, and supervisors.

6. All reasonable modifications/accommodations requests will be acknowledged within three (3) business days of receipt. The resolution and response to the person who submitted a request will be made timely, within 10 business days, and the response must explain the reasons for the resolution. The response must be documented and any requests requiring more than 10 business days to resolve must be reviewed by County of Hawai'i Mass Transit Agency's reasonable modifications coordinator and the transit operations contractor and documented as to why the resolution requires additional time for full resolution.

IV. Complaint Procedures

1. Complaints may be submitted by email at [\[heleonbus@hawaiiicounty.gov\]](mailto:heleonbus@hawaiiicounty.gov), written mail to County of Hawai'i Mass Transit Agency, 25 Aupuni Street, Hilo, HI 96720, by fax to 808.961.8745 or by phone to 803.961.8744, option 3 [TDD/TTY: 711 through Relay Service]. All complaints will be logged into electronic tracking system noting the requestors name, date, contact information and specific accommodation request being made.
2. All complaints will be reviewed by County of Hawai'i Mass Transit Agency's reasonable modifications coordinator and the transit operations contractor.
3. All complaints will be acknowledged within three (3) business days of receipt. The resolution and response will be made timely, within 10 business days, and the response must explain the reasons for the determination. The response will be documented, referencing the original request for modification. Any complaint responses requiring more than 10 business days for resolution must be reviewed by County of Hawai'i Mass Transit Agency's reasonable modifications coordinator and the transit operations contractor and documented as to why the resolution requires additional time for full resolution.

**County of Hawai'i Mass Transit Agency
Reasonable Modification Request Form**

County of Hawai'i Mass Transit Agency does not discriminate on the basis of disability in admissions to, or operation of its programs, services, activities, or facilities. This form may be used by individuals and their companions with a disability seeking access to fixed-route, flex-route or paratransit services, activities, or facilities.

Name: _____
Address: _____
Email: _____

Telephone: _____
Date: _____

The program or facility to which I am requesting access is located at:

I am requesting the following modifications/accommodation [s]:

- Wheelchair access
- Sign language interpretation
- Written material in alternate format [large print, USB, or CD, or other_____]
- Written material in Braille
- Reader
- Modification of policies or procedures
- Other

Please provide any other details or information necessary to process this request.

Please return this form by email at heleonbus@hawaiiicounty.gov, written mail to County of Hawai'i Mass Transit Agency, 25 Aupuni Street, Hilo, HI 96720, by fax to 808.961.8745.

You may also drop this form off in person at Mo'oheau Bus Terminal Transit Information Center located at 329 Kamehameha Avenue, Hilo, HI 96720 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding County of Hawai'i holidays.

**County of Hawai'i Mass Transit Agency
Reasonable Modification Evaluation Form**

Date Request was Received: _____

Due Date: _____

Name of Evaluator: _____

Area of Service: _____

Customer's Request: _____

Policy, Procedure or Rule Creating Barrier: _____

Discussion: _____

Date Modification Approved: _____

IF MODIFICATION REQUEST IS DENIED

- Fundamentally alters service
- Creates a direct threat to health and safety of others
- Customer can fully use service without modification
- Causes undue financial or administrative burden

Describe other actions taken to ensure access: _____

_____ Date customer notified: _____

Signature of Reasonable Modification Coordinator: _____