



AUTUMN 2021

# KANSAS TRANSIT REPORTER

The Newsletter for Kansas Rural and Specialized Transportation Providers • University of Kansas Transportation Center

## INSIDE THE ISSUE

PRESENTING THE  
2021 DRIVER  
AWARDS

OCCK BEGINS  
MANAGEMENT OF  
CONCORDIA PUBLIC  
TRANSPORTATION

NATIONAL  
RTAP  
RESOURCES

KANSAS RTAP  
DEVELOPS NEW  
DISPATCHING AND  
SCHEDULING  
TRAINING FOR  
NATIONAL RTAP

TIPS FOR  
MAINTAINING A  
COMPLIANT TITLE VI  
PROGRAM

LEARN MORE ABOUT  
THE ACCESS,  
INNOVATION, AND  
COLLABORATION  
(AIC) PROGRAM

REASONABLE  
MODIFICATION:  
COMMON SENSE  
AND THE WILL TO  
HELP

RTAP FALL  
TRAINING UPDATE

DIRECTOR'S  
MESSAGE

# PRESENTING THE 2021 DRIVER AWARDS

By Megan Hazelwood, Kansas RTAP

For the first time ever, Kansas RTAP sent out a call for nominations for outstanding transit drivers in the state of Kansas. We see drivers as heroes in their communities and wanted to properly recognize them for their hard work, especially in the last year. Kansas RTAP sent out e-mails asking for nominations for drivers in the following four categories: Urban, Rural General Public, Paratransit, and Minivan. Nomination forms were included in the e-mail for people to fill out and return to Anne Lowder to recognize outstanding drivers.

We received nominations in two of the categories: Paratransit and Rural General Public. The award recipients are:

## PARATRANSIT

The Kansas RTAP Paratransit Bus Operator Blue Star Award was created to honor the men and women who safely transport the people in their community. This award is meant to celebrate the work that paratransit bus operators do each and every day for the state of Kansas. The first ever winner of this award is Armando "Chino" Solis with the Topeka LULAC Senior Center. Armando recently celebrated 30 years at the center.

Armando says that he, "feel[s] very honored to receive this award!" With 30 years under his belt, Armando says his favorite thing about his job is, "the reactions I see from my clients (senior citizens) faces. Their smiles bring me joy!" Armando understands the importance of his job saying that, "we provide safe, reliable transportation for senior citizens as well as assist them with their day to day interactions at the Senior Center."



Figure 1: Armando "Chino" Solis celebrates 30 years at LULAC with his son, Omar  
Taken Thursday, September 2, 2021

## RURAL GENERAL PUBLIC

The Kansas RTAP Rural General Public Bus Operator Silver Star Award was created to honor men and women who safely transport people in rural Kansas. This award is meant to celebrate the work of rural bus operators and everything they do each and every day for their communities. The first ever winner of this award is Rena Bishop. Rena is the Transportation Supervisor for OCCK Transportation. She has been with the company for 13 years.

CONTINUED ON NEXT PAGE

Rena says she is, “thrilled to be the first Silver Award winner,” and that, “it’s an honor to be recognized by KU RTAP for all of my hard work, dedication and commitment to public transportation.” When asked what she loves most about her job, Rena says, “I love the people we serve, the drivers, our team, basically, everything around me makes me happy.” Rena recognizes the importance of transit drivers in her community by stating, “everything you do makes a difference in someone’s life.”

If you missed the opportunity to nominate a transit driver in your area, keep an eye out for next year’s Driver Awards! Kansas RTAP will begin accepting nominations in late Spring. As a reminder, nominations will be accepted for the following four categories: Urban, Rural General Public, Paratransit, and Minivan. If you have any questions about the Driver Awards, don’t hesitate to reach out to Kansas RTAP by emailing [kutc\\_training@ku.edu](mailto:kutc_training@ku.edu).

## OCCK BEGINS MANAGEMENT OF CONCORDIA PUBLIC TRANSPORTATION

By Connor Mountford, Kansas RTAP

This July, OCCK Inc. began operating in Concordia, Kansas, after assuming management of public transportation within the city limits Concordia. This article highlights the process of merging services based on interviews with the main actors involved: OCCK Inc. and the Concordia Senior Center.

### WHY DID OCCK INC. ABSORB CONCORDIA SENIOR CENTER’S PUBLIC TRANSIT DIVISION?

With transit being a small part of their service model, the senior center was struggling to manage that side of their operations. The board of directors had expressed a desire to cease their transit operations several times over the years, but had yet to act on the issue. Effective July 1st, Concordia Senior Center would no longer operate its public transit service. Michelle Griffin, mobility manager for the north central Kansas region (CTD 7), heard this from Angela Eck, the manager of the Concordia Senior Center, with whom she had frequent contact through the CTD. Michelle offered to assist the Senior Center with finding a suitable host for their transit operations. The only problem: They had two weeks to get it done or risk a lapse in service for an agency that provides between 600 and 800 rides a month.

### HOW DID THEY GET IT DONE?

With the green light from Angela to help find a new home for Concordia’s public transportation, Michelle sprang into action. Luckily, she had prior experience managing the merging of transit services (OCCK assumed public transportation within the city limits of Abilene in 2019). First, she reached out to several of the agencies in the area to gauge their interest in merging services. She then brought the interested parties together to discuss logistics. Following that meeting, Angela and the Concordia Senior Center board of directors determined that OCCK Inc. was the best positioned to assume their services because they already operated within the county. Michelle brought this information back to Trell Grinter, Director of Transportation at OCCK Inc., who endorsed the idea.

With OCCK, Inc. lined up to take on the services of Concordia public transportation, Michelle and Trell shifted gears to handle the nuts and bolts of the transition. At the time of transition, Concordia Public Transportation had two drivers, one volunteer dispatcher, and three vans. Michelle and

Trell wanted to keep these employees on board to ensure a smooth transition. Trell reached out to each of the Concordia's employees for a one-on-one meeting to gauge their interest and answer any questions they might have. Following those meetings, Trell discussed the matter with OCCK's Chief Financial Officer and Chief Executive Officer, Patrick Wallerius and Shelia Nelson-Stout, who promptly brought the matter before their board of directors for approval. With the staff and leadership team on board, Trell arranged trainings for the new employees and worked with their human resources department to create a smooth transition.

Today, OCCK, Inc. is operating demand response transportation within the city limits of Concordia as GoConcordia, and the surrounding area in Cloud County, without a single day service gap, the three employees are thriving in their new positions, and Trell is in discussions with KDOT to transition Concordia public transportation's three vehicles to OCCK Inc.'s fleet.

#### LESSONS LEARNED: PASSION AND ENGAGEMENT MATTER

Michelle and Trell won't tell you this, but pulling off a transition like this in less than two weeks is extraordinary. The lesson we should all take away from this story is that engagement matters. If Michelle had not been engaged with the agencies in her Coordinated Transit District, then she likely would not have found out about the discontinuation of transit service in Concordia until after the fact, creating a service gap that would have made getting to doctor's appointments, hair appointments, and grocery stores more difficult. Her engagement gave her the opportunity to prevent that service gap. However, it's their passion that drove Michelle, Trell, and Angela to work tirelessly to make the transition in under two weeks.

#### SOURCES

Griffin, M. (2021, September 9). Mobility Manager. (C. Mountford, Interviewer)

Grinter, T. (2021, September 9). Director of Transportation, OCCK Inc. (C. Mountford, Interviewer)

## NATIONAL RTAP RESOURCES

By Cara Marcus, National RTAP

National Rural Transit Assistance Program (National RTAP) has been supplying rural and tribal transit agencies with free technical assistance and training resources since 1987. There's always something new at National RTAP, and 2021 is no exception.

Talk about new – we launched our brand-new website on August 26, 2021, using our own Website Builder technology tool. Our website contains about 700 pages, and all of them were given a new look and feel with interactive graphics, streamlined navigation, and updated content. Some highlights include searchable training directories, a virtual tour of our library, a newsletter archive, and an annotated history timeline. Stay tuned for a webinar-style tour!

This year we've updated many of our training modules and technical briefs, with plenty of others in the works. Some of the 2021 highlights include a new GTFS Builder Guidebook, a diversity, equity and inclusion best practices article and video, and new human resources eLearning training courses developed by Small Urban and Rural Center on Mobility (SURCOM).

CONTINUED ON NEXT PAGE

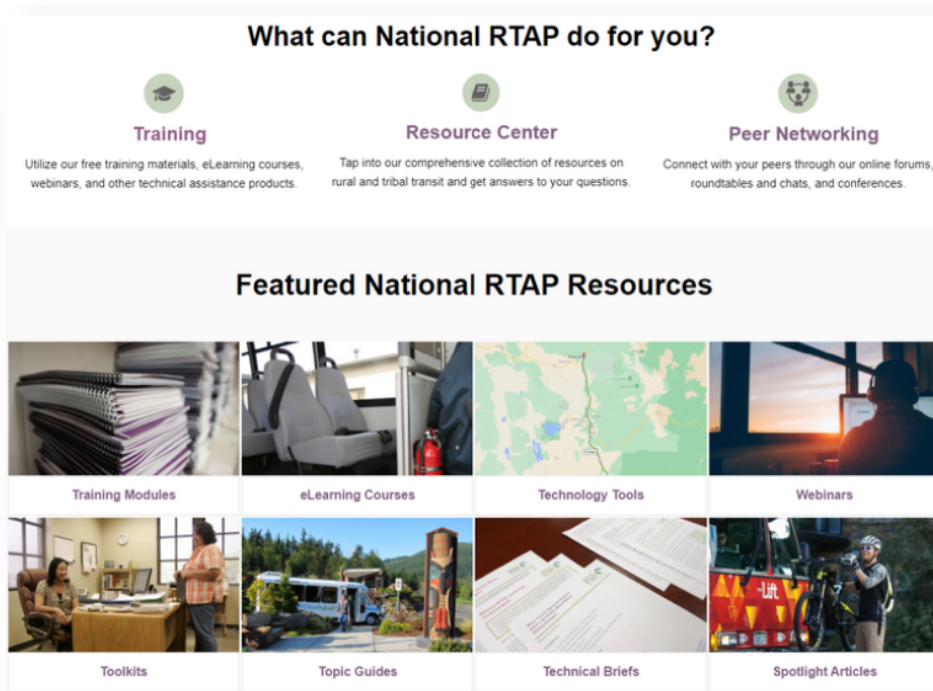


Figure 1: National RTAP website home page.  
<https://www.nationalrtap.org/>

We've comprehensively updated our State RTAP Manager's Toolkit, launched an intercity bus peer roundtable, updated our advocacy and HIPAA tech briefs, published a chapter on transportation in a textbook on rural aging, and started a Books in Transit Discussion Group.



Figure 2: National RTAP Books in Transit Discussion Group Logo

There are now more ways than ever to receive National RTAP training. This year we began to hold Tribal Transit mini-conferences, many of which have been hybrid (both in-person and virtual). Scholarships are available. Subscribe to eNews and bookmark our calendar to find out about upcoming and recorded webinars, peer roundtables, and chats. We've recorded recent webinars on stakeholder outreach and coordination, marketing, and route design. Upcoming training events include advanced topics in financial management, transportation coordination and mobility management Twitter chats, and webinars on customer service and dispatching and scheduling trainings.

Today, OCCK, Inc. is operating demand response transportation within the city limits of Concordia as GoConcordia, and the surrounding area in Cloud County, without a single day service gap, the three employees are thriving in their new positions, and Trell is in discussions with KDOT to transition Concordia public transportation's three vehicles to OCCK Inc.'s fleet.

National RTAP staff lead the Transportation Technical Assistance Coordination Library (TACL), which launched in January 2021. TACL provides a sustainable methodology and platform for access and findability of rural and tribal



transit coordination resources across a diverse range of transportation technical assistance centers FTA. Recorded training is available, the next training webinar will be held in February 2021, and we are also planning an eLearning training course.

There are many ways to get involved! Subscribe to our newsletter and follow us on social media. Transit Managers can join our Transit Manager Forum and participate in Peer Roundtables. Become a volunteer TACL reviewer and be the first to know about new transportation coordination resources and help shape this national library. Join our Books in Transit Discussion Group. And it's never too early to get ready for next year's Rural Transit Day, July 16, 2022.



Figure 4: National RTAP Resource Center



Figure 3: Technical Assistance Coordination Library (TACL) logo

**“Kansas has been a great partner in working with National RTAP to help us update our materials. We also provide many resources trainings to help Kansas operators stay sharp. We look forward to maintaining and building our relationship with Kansas operators through mini conferences, tech tools and trainings this year.”**

**ROBIN PHILLIPS, NATIONAL RTAP  
EXECUTIVE DIRECTOR**

## KANSAS RTAP DEVELOPS NEW DISPATCHING AND SCHEDULING TRAINING FOR NATIONAL RTAP

By Lisa Koch, Kansas RTAP

Kansas RTAP, in partnership with Skye Multimedia, developed a training system for dispatchers and schedulers, which was released in October 2021. This updated and enhanced training is designed for staff who perform the role of dispatcher and/or scheduler in a rural, small urban, or tribal transit agency. New dispatchers and schedulers can use this training to learn the major components of their roles. Seasoned dispatchers and schedulers can also use the training for refreshing their skills.

CONTINUED ON NEXT PAGE

The manual's training sections are:

- Section 1. Introduction
- Section 2. Working in a Transit Environment
- Section 3. Transit Service Types
- Section 4. Americans with Disabilities Act
- Section 5. Essential Communication Skills
- Section 6. Customer Service
- Section 7. Role of the Dispatcher
- Section 8. Role of the Scheduler
- Section 9. Use of Technology
- Section 10. Working as a Transit Team
- Section 11. Responding to Transit Incidents

The training is offered in several formats:

- The eLearning course presents the material in an engaging multimedia format, including video commentary, scenarios, and quizzes. Reference documents from Appendix C of the training manual are provided as downloadable, stand-alone resources within the training.

- PowerPoints and an instructor guide are available for classroom-based training. This option includes group exercises and discussion topics.
- The manual allows learners to reference information as needed.

The entire eLearning course takes approximately 4 hours. It is divided into the same 11 sections as this manual. The length of the sections ranges from 10 minutes to 25 minutes. Learners can complete the program at their own pace.

National RTAP will be presenting a webinar to introduce the course on November 4th at 1pm Central Time. Registration information for the webinar will be advertised by National RTAP in late October. You can find the training here:

<https://elearning.nationalrtap.org>

---

## TIPS FOR MAINTAINING A COMPLIANT TITLE VI PROGRAM

By Nikhila Gunda, Kansa RTAP

Kansas Department of Transportation (KDOT) requires Kansas transportation providers who receive FTA funds to create, update and submit an agency Title VI program once every three years. The purpose of this article is to guide and share some tips for creating and updating an agency's Title VI program, which primarily includes a Title VI plan, complaint procedures and forms, and records of complaints that have occurred with the last three years, that comply with federal and state policies.

A Title VI Plan is a "document developed by an FTA funding recipient to demonstrate how the recipient is complying with Title VI requirements" ("TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS", 2012). Title VI of the 1964 Civil Rights Act ensures non-discrimination in federally assisted programs, stating:

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

### WHAT IS TITLE VI PLAN?

This non-discrimination clause applies to any recipient of FTA funds, including direct and sub-recipients. The reporting of the Title VI program follows the source of federal funds (as shown in Fig 1) that is the direct or primary recipient submits a Title VI program to FTA and monitors subrecipients at all tiers.

Therefore, FTA requires KDOT to update and submit Title VI program to their FTA regional civil rights officer once every three years. Kansas subrecipients, such as 5310, 5311 and other transit agencies who receive funding from KDOT, are required to provide information on any discrimination complaints and a Title VI plan for their agency. This information will be reviewed as part of the KDOT Triennial Review process. KDOT is responsible for ensuring and monitoring their subrecipients for compliance with the regulations. If a subrecipient is not in compliance with the Title VI requirements, then the primary recipient is also not in compliance ("TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS", 2012).

Each CTD and transportation provider must sign an assurance that they will not discriminate in their service, in accordance with Title VI. This assurance is part of the signed agreement between KDOT, the CTD, and the transportation provider created through the application process for 5310 and 5311 funds. Additionally, KDOT requires all sub-recipients to provide information on any discrimination complaints along with a Title VI plan for the agency ("KDOT Policies for Public Transportation Program Grantees", 2016). This information will be reviewed as part of the KDOT Triennial Review process.

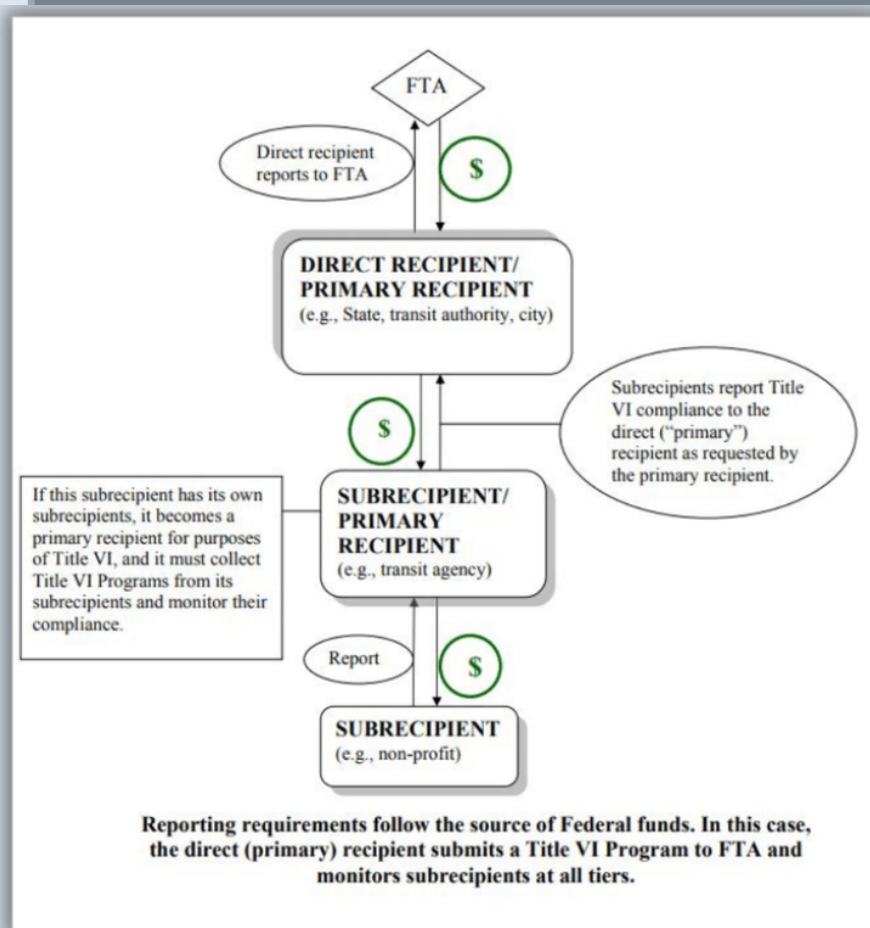


Figure 1: Title VI Reporting Hierarchy, Source – FTA C 4201.1B

## TITLE VI FOR KANSAS TRANSIT AGENCIES

In the state of Kansas, KDOT receives and distributes the formula grants from the FTA to transit agencies and is considered as a direct recipient of FTA and each agency is considered an FTA sub-recipient.

CONTINUED ON NEXT PAGE



## OVERVIEW OF TITLE VI PROGRAM REQUIREMENTS

The following is an overview of the requirements for a Kansas transportation provider to be compliant with Title VI (Koch et al., 2020):

- Create a Title VI plan and submit to KDOT for approval. All the following components MUST be included in the plan:
  - Notice of Rights under Title VI\* (A copy indicating the public that the agency complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI)
  - Instructions for a person to file a complaint\*
  - Copy of the complaint form\*
  - List of Title VI investigations, complaints, or lawsuits\*
  - Public Participation Plan
    - Limited English Proficiency Plan (LEP Plan), which must include the following:
      - Description of how the sub-recipient provides language assistance services by language
      - Description of how the sub-recipient monitors, evaluates and updates the language access plan
  - Description of how the sub-recipient trains employees to provide timely and reasonable language assistance to LEP populations
  - Meeting minutes of board of directors' resolution demonstrating governing board's approval of the Title VI plan
  - Racial breakdown of non-elected advisory councils\*
- Notice of Title VI Rights must be posted in public areas of the agency's office (reception desk, meeting rooms, etc.) and in every vehicle and on the agency's [website](#), if they have one.
- Brochures informing the public of their Title VI Rights must be available in the agency's office and onboard every vehicle. KDOT has created a brochure for agencies to use, which can be found on the Office of Public Transportation website in both English and Spanish.

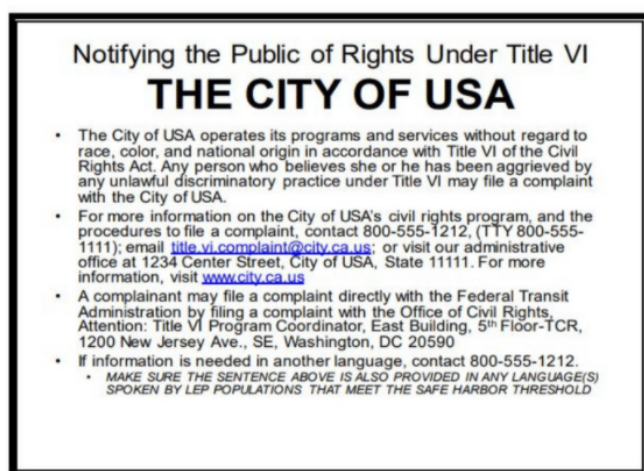


Figure 2: Sample of Title VI Notification to the Public, Source – FTA C 4702.1B

- Complaint forms must be available at the agency's office. If the agency has a website it is recommended that they also make the forms available for download on the website.

\*Appendices of FTA C 4702.1B includes samples of the Notice of Rights, instructions for filing a complaint, a complaint form, and a suggestion for formatting the list of investigations and the racial breakdown.

KDOT can provide guidance and resources for writing a Title VI Plan (including the LEP Plan) and can provide copies of standard forms and brochures. For more information, contact the [Kansas Office of Public Transportation](#).

Some of the examples of prohibited discriminatory acts, published in KDOT's Title VI Brochure ("KDOT: Title VI Brochure – English", 2009), include:

- Public meetings that are held at hard-to-reach or inaccessible sites or at times when most affected people are working.
- No effort made to locate minority or women contractors, consultants or researchers for transportation projects.

- A neighborhood loses access to stores, services, medical offices, churches, recreation or transportation due to highway construction.

## COMPLAINTS PROCESS

In any agency, if a bus passenger who feels he or she has been subject to discrimination because of race, color, age, national origin, sex, disability, veteran or low-income status, that person may file a complaint with KDOT. All complaints will be referred to KDOT's Civil Rights Officer, who will evaluate and refer the complaint to the appropriate program area. It is important that a complaint is filed within 90 days following the discriminatory action. To request assistance in filing your complaint, contact your transit provider in writing or by phone.

Anne Smith, Director at Flint Hills Area Transportation Agency has provided some tips that could help Kansas transit agencies in preparing and maintaining Title VI program for their agency:

"Originally, I found the Title VI policy of the Flint Hills MPO to be most helpful; although our current policy has had changes over the years, we still use that format and a lot of the same language. Using the American Community Survey (ACS) is the only way that I know to capture and update census data when updating your local data for your 4-factor analysis. Put your Title VI program on your website and be sure that you have a complaint process that is separate from other complaint processes. Also, it is important to disseminate the policy. Ensure that the brochures are getting in the hands of your riders, have them available in your office and on the buses, also have your posters on the buses and in your offices as well."

– Anne Smith, Director of Flint Hills Area Transportation Agency

## CONCLUSION

Title VI is part of the federal Civil Rights Act that prohibits any agency receiving federal financial assistance from discriminating on the basis of race, color, or national origin in any federally assisted programs or activities. All the primary and sub-recipients are required to update and submit Title VI program to KDOT for every three years. Also, KDOT requires all sub-recipients to provide information on any discrimination complaints and a Title VI plan for the agency. Guidance and resources for writing and updating Title VI plan and copies of standard forms and brochures can be provided by KDOT, [Office of Public Transportation](#).

## SOURCES

TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS. Transit.dot.gov. (2012). Retrieved 2 October 2021, from [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_Title\\_VI\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf).

KDOT Policies for Public Transportation Program Grantees. KU Transportation Center. (2016). Retrieved 2 October 2021, from <https://kutc.ku.edu/sites/kutc.ku.edu/files/docs/rtap-resources/APPENDIX%20A%20KDOT%20POLICIES.pdf>.

Koch, L., Gunda, N., & Hogan, E. (2020). Kansas Transit Manager Handbook. Kutc.ku.edu. Retrieved 10 September 2021, from [http://kutc.ku.edu/sites/kutc.ku.edu/files/docs/RTAP/Kansas%20Transit%20Manager%20Handbook\\_2020.pdf](http://kutc.ku.edu/sites/kutc.ku.edu/files/docs/RTAP/Kansas%20Transit%20Manager%20Handbook_2020.pdf).

KDOT: Title VI Brochure – English. Ksdot.org. (2009). Retrieved 29 September 2021, from <https://www.ksdot.org/bureaus/burTransPlan/pubtrans/Title-VI-Brochure---English.asp>.

# LEARN MORE ABOUT THE ACCESS, INNOVATION, AND COLLABORATION (AIC) PROGRAM

By Nikhila Gunda, Kansas RTAP

The Access, Innovation, and Collaboration (AIC) program is an annual funding opportunity for Kansas transit agencies and transportation providers, to provide better access in their own communities using innovation and partnerships. This article will provide information on the AIC program and its requirements, including eligibility, process, and timeline for future years.

AIC, which includes state transit funding and funding from the Section 5339 Bus and Bus Facilities Program, is a statewide funding program that supports projects in expanding mobility through the following ("2021 Call for Projects - Access, Innovation, and Collaboration Program", 2021):

- Access – enhancing infrastructure and allowing for improved access to transit,
- Innovation – investing in innovative technology including Microtransit and electric vehicles, and
- Collaboration – expanding efforts in working with private providers and erasing the gap between urban and rural systems

## PROGRAM REQUIREMENTS AND ELIGIBILITY

Eligible applicants include local governments, transit providers, tribal nations, non-profits operating public transportation agencies, and other private/public partnerships. Funding for the AIC program comprises multiple sources of program funds with varying project eligibility requirements. KDOT can fund all the agencies, including 5310, 5311 and larger transit agencies, on several projects of varying sizes and types with this program. The following includes the types of projects that are eligible through this program, however this is not an exhaustive list ("KDOT Access, Innovation, and Collaboration (AIC) Program FAQs", 2021).

- Bus Replacement, Rehab or Purchase
  - Current buses on statewide bid
  - Rehabs or modifications to existing vehicles
  - Non-statewide bid vehicles that are procured locally (including low floor vehicles, electric vehicles, CNG vehicles)
- Bus-related equipment, such as in-vehicle cameras, mobile data terminals, passenger counts, fareboxes, annunciators, and other equipment that are locally bid with KDOT support
- Bus Facilities
  - Purchase and/or rehab of existing structure
  - New construction
- Innovation transit-related Programs
  - Microtransit pilots
  - Electric vehicles
  - Software and technology
  - Enhanced mobility
  - Operating and maintenance costs
  - Planning studies related to transit

The AIC program can benefit Kansas transit providers in various ways, including:

- Expand influence on mobility
- Support urban and rural transportation needs
- Enhance the user experience
- Apply for a range of projects under one program

## PROGRAM TIMELINE

This program has a two-step application process. The last round of applications has closed and funds are set to be awarded. A total of \$15 million

was announced by KDOT to be awarded for a variety of transit-related projects and programs in Kansas through AIC in the year 2021. It is anticipated that the recipients of the funding awards will be announced within the next few months. In 2020, more than \$7.4 million was awarded to 33 projects across the state through AIC program.

While the application process is now completed for the year 2021, it is anticipated to have a similar timeline for future years. A detailed timeline of the AIC application process for the year 2021 can be found online on [KDOT's website](#).

## SUCCESS STORIES

("2021 Call for Projects – Access, Innovation, and Collaboration Program", 2021):

- Transit Facility, Coffey County Transportation – Through the AIC program, Coffey County Transportation added a total of 3,000 square feet of vehicle storage and an office facility to its existing facility. This expansion included three enclosed bus bays, a dispatch center, director's office, waiting area, and a driver room and facilities.
- Bus Equipment and Support Systems, Lyon County Area Transportation (LCAT) – New security cameras and radio equipment were installed to improve the safety of passengers and drivers in LCAT transit vehicles.
- Innovative Transit Services, Johnson County – To serve high-need populations, Johnson County expanded their on-demand shared ride microtransit program by obtaining additional vehicles. This service currently helps to provide access to food pantries, vouchers to health services and reduces inappropriate use of emergency transportation services.

## CONCLUSION

The Access, Innovation, and Collaboration (AIC) program is a statewide annual funding program that supports projects with urban and rural transportation to improve and provide better access for people. This program is an opportunity to fund non-traditional projects, like incorporating certain technology and innovative services, that support and expand current multimodal networks. This program involves easy two-step application process – concept forms and full applications forms. Detailed information on the application process for the year 2021 was explained by KDOT officials in a virtual webinar which is currently available on [YouTube](#). More information about this program can be found on KDOT's Public transportation [website](#).

## ACKNOWLEDGEMENTS

Special thanks to Sarah Frost at Transystems and Cory Davis at KDOT for providing detailed information on the AIC program. AIC is currently operated and managed by the KDOT.

## SOURCES

2021 Call for Projects – Access, Innovation, and Collaboration Program. Ksdot.org. (2021). Retrieved 4 October 2021, from [https://www.ksdot.org/Assets/wwwksdotorg/bureau/burTransPlan/pubtrans/2021%20Call%20for%20Projects%20Brochure\\_2021-3-3.pdf](https://www.ksdot.org/Assets/wwwksdotorg/bureau/burTransPlan/pubtrans/2021%20Call%20for%20Projects%20Brochure_2021-3-3.pdf).

KDOT Access, Innovation, and Collaboration (AIC) Program FAQs. Ksdot.org. (2021). Retrieved 28 September 2021, from [https://www.ksdot.org/Assets/wwwksdotorg/bureau/burTransPlan/pubtrans/pdf/AIC-FAQ%202021\\_21-03-23.pdf](https://www.ksdot.org/Assets/wwwksdotorg/bureau/burTransPlan/pubtrans/pdf/AIC-FAQ%202021_21-03-23.pdf).

# REASONABLE MODIFICATION: COMMON SENSE AND THE WILL TO HELP

By Anne Lowder, Kansas RTAP

You asked and we delivered! At our annual advisory board meeting in April, Kansas RTAP received a request to provide more information about reasonable modification regulations. This article was originally published in 2015, and is being reprinted to provide an update on reasonable modification regulations and where to find additional resources.

## PUTTING ADA'S REASONABLE MODIFICATION INTO ACTION: IT'S COMMON SENSE

The American with Disability Act's Reasonable Modification Rule is a revision to 49 CFR 27 and 37 became effective July 13, 2015. Now is a good time as a transit agency to take a pause and review your policies, practices and procedures to ensure that your programs, benefits and services do not discriminate against persons with disabilities under this new rule. This article will provide examples to clarify what reasonable modification is (and is not) to a transit agency. In most cases, you may only need to tweak some of your policies to allow for some reasonable exceptions to provide better accommodations.

## THE PURPOSE BEHIND REASONABLE MODIFICATION

According to the Federal Register authored by U.S. DOT under Section I, Purpose of the Regulatory Action, courts had identified unintended gaps in policies, practices and procedures under the Americans with Disability Act (ADA) that were limiting program accessibility. Though reasonable modification has been part of the ADA for a long time, the July 2015 ruling helps agencies understand that there are still circumstances in transit programs that limit people with disabilities from using public transportation. Reasonable

modification enables agencies to make modifications to its policies to ensure that people with disabilities have access to public transportation. The Reasonable Modification Final Rule also requires agencies have a designated individual as a Reasonable Modification Coordinator. The Reasonable Modification Rule authored by the Department of Transportation Document Citation 80 FR 13253 page 13253-13263 and outlined at

<https://federalregister.gov/a/2015-05646>.

## APPLYING REASONABLE MODIFICATION

Reasonable Modification applies to fixed-route, demand responsive and complementary paratransit. ADA 49 CFR 38.129(a) Origin-to-Destination Service (2005) guidelines can help your transit agency in writing policies and a process by which to educate your operators and customers on. The Reasonable Modification final rule also requires transit agencies to document any reason to deny a request for reasonable modification.

Your agency is probably already making reasonable modifications to help people with disabilities have better access to your transportation service. If the request for reasonable modification would "fundamentally alter the nature of the program, service, or activity," you would not be required to do so. The question to ask yourself is "What is our agency's major activity?" The answer is basic public transportation. Reasonable modification applies when a person with a disability asks for modification so that they can fully use the services you provide. Reasonable modification does not require anything extravagant, like buying a new



vehicle to accommodate someone's needs, but to tweak the services you already provide.

#### HERE ARE SOME EXAMPLES OF REASONABLE MODIFICATION

##### **Helping with Fare**

A visually impaired customer needs help with putting the fare in the fare box. Your agency has a policy that operators will not handle the fare. A reasonable modification to your policy on handling fares is that your operator will assist this customer.

##### **Allowing Food and Drink**

Your agency is transporting a person who is diabetic. You have a "No Food or Drink" policy on your vehicles. A reasonable modification to that policy is to allow the diabetic person to eat or drink as needed to address their physical needs.

##### **Helping Passengers through Snow and Ice**

A person in a mobility device needs help to the vehicle due to snow and ice at the pickup location. Your policy is that bus operators do not leave their vehicles to assist passengers. A slight change to your policy to allow helping the person in the mobility device maneuver through the snow and ice to board would be a reasonable modification.

##### **Adjusting Stops near Construction Projects**

When scheduling a trip, a passenger with a mobility device may request the bus operator slightly adjust the designated boarding location so that he or she can board in an accessible location due to construction. Is this a reasonable modification? The answer is yes.

##### **Helping Passengers Carry Packages.**

Let's say your agency has a policy that limits the number of bags on the bus to 5 bags. Operators are not required to help passengers carry their packages, but a person with 5 bags but is having trouble making it up the ramp. A reasonable modification would be for the operator to provide assistance to board, helping to get their packages on the vehicle.

#### EXAMPLE OF A NOT – SO – REASONABLE MODIFICATION

You have a passenger with chronic pain, and riding your paratransit buses aggravates the pain. So she requests, under reasonable modification, that you provide a luxury vehicle with a much more comfortable and smoother ride. Do you need to provide this service? No. Your agency only has the paratransit vehicles in service. She is not asking for a common-sense, minor modification to policy.

#### BASIC POLICY NEEDS FOR REASONABLE MODIFICATION

A sample statement representing your agency's position on providing reasonable modification was provided at the 2015 National RTAP conference by Donna Smith, Easter Seals Project Action Director of Training: "We provide reasonable modification of policy and practice upon request to ensure that our transportation services are accessible to people with disabilities." It is just as important for your agency to have a process in place for employees and customers to request and handle modifications.

Other requirements are that the process must be written and made available to the public, the modification request process must be accessible (for instance if it is on your website in .pdf format, it is not accessible to the visually impaired using readers), and the process must provide for situations in which making an advance request is not feasible. In the latter case, operators need to be allowed to make a determination about what is reasonable, at the time.

Your policy might be that a request for reasonable modification must be made in advance via email, phone, website or in writing. If so, it's a good idea to state your agency will contact the requestor for further information, because some people who

request modifications are not clear enough in their phone messages or emails and need to be contacted for further clarification. In the process of obtaining clarification, avoid asking directly about a person's disability, but do ask about the functional ability to take the trip without modification, said Smith.

Your agency policy should state that you will respond to a request in a certain number of days, but the federal regulation does not specify a timeframe for that. Smith suggested using other timeframes in the federal regulations (such as 21 days for paratransit approvals) as a guide to determine your agency's response to reasonable modification request. The final step in your policy is to say that a written decision will be sent by your agency to the requestor.

### JUDGEMENT CALLS

What about the operators making decisions on route? An example is that a visually impaired person asks for a special stop to be called out. What should your driver do? The answer is yes -- make the call out.

Will you have inconsistency among operators? Sure, it will happen. There always will be discrepancies when operators are making decisions on the fly. Ongoing dialogue with your operators will help determine best practices for different types of situations.

Operator training is key. Operators should be trained to be prepared to answer questions such as: 1) Did you get any reasonable modification requests today? 2) What was requested and how did you respond? You can use this information in assessing whether your operators are tweaking your policies appropriately or doing more than you anticipated. Operators should be advised as to where to go for help if they are not sure about what's a reasonable modification.

### IN SUM

Reasonable Modification helps persons with disabilities have full access to your transportation from origin-to-destination. Reasonable modification is a matter of tweaking policies, practices and procedures. Reasonable modification is not buying new equipment or fundamentally changing your services. Reasonable modification is just common sense.

### ADDITIONAL RESOURCES

- [National RTAP ADA Toolkit](#)
- [FTA C 4710.1 Circular - AMERICANS WITH DISABILITIES ACT \(ADA\): GUIDANCE](#)

## American Public Transportation Association Summary of USDOT's Reasonable Modification Final Rule

Effective Date: July 13, 2015

- Reasonable Modification applies to fixed route and paratransit
- Reasonable Modification does not require universal door to door transportation
  - Systems can remain curb to curb by policy as long as they consider and grant (as deemed appropriate) individual requests for door to door service

- In fixed route, reasonable modifications do not require route deviations, but could include special passenger notifications or the driver positioning the fixed route vehicle to avoid an obstacle in order to obtain accessibility
- Reasonable Modification does not require the assignment of a particular type or model of vehicle to service as long as the vehicle is ADA compliant
- Requires development of process (plan) and complaint process prior to implementation date
- Requires designation of an individual as a Reasonable Modification Coordinator
- Encourages determinations of reasonable modifications during eligibility process
- Presumes most reasonable modification requests will be made in advance at eligibility or through reservations process
- Does not require individuals to make reasonable modification requests in writing, in advance of use or use the term “reasonable modification”
- Does require transit agencies to document any reason to deny modification request
- Requires that real time reasonable modification requests to be evaluated and accommodated (if deemed appropriate) by vehicle operators. Transit operators can require the operator to contact a supervisor prior to granting or denying a request as long as the operator has two way communications.
- The rule only allow a denial of reasonable modification request for the following three reasons:
  - Modification would be a fundamental alteration of the service provided
  - Granting the modification would expose the requestor or the operator or other riders to a “Direct Threat”.
  - The modification is not necessary for the individual to actually use the service
- If a modification is denied, the operator has a responsibility to provide an alternative “work around” if feasible to ensure accessibility
- Requires public notification of the plan and the contact information for the Reasonable Modification Coordinator
  - Phone number, email, physical address
  - Such information must be available in printed materials and on web site.
- Materials should describe process for requesting reasonable modifications and process for filing a complaint
- Requires prompt response to requests or complaints
- USDOT has provided Appendix E to provide illustrative examples of both appropriate and unacceptable “reasonable modifications”

## SOURCES

Smith, Donna. Easter Seals Project Action Consulting: Reasonable Modification: Common Sense and the Will to Help. National RTAP Conference, Denver, Co 2015.

American Public Transportation Association Summary of USDOT Reasonable Modification Final Rule. 2015. <https://www.apta.com/gap/fedreg/Documents/Summary%20of%20USDOT%20%20Reasonable%20Modification%20Final%20Rule.pdf> Accessed November 12, 2015.

Federal Register: Transportation for Individuals with Disabilities; Reasonable Modification of Policies and Practices. March 13, 2015. <https://federalregister.gov/a/2015-05646> Accessed November 12, 2015.

Federal Transit Administration. Origin-to-Destination Service. September 2005. [http://www.fta.dot.gov/12325\\_3891.html](http://www.fta.dot.gov/12325_3891.html) Accessed November 12, 2015.

---

# AN UPDATE OF RTAP TRAINING AND PROGRAMS

By Anne Lowder, Kansa RTAP

## 2021 MIDWEST TRANSIT CONFERENCE – ST. LOUIS, MO

Jeff Nelson, Chair of the American Public Transportation Association presented the keynote at the Midwest Transit Conference held September 7 –9, 2021 in St Louis, Missouri. Nelson's keynote was on What Does the Future of Transit Look Like? The Vision, The Plan, The Cost. In the keynote he stated that, "We're not measuring success on ridership alone. The number doesn't matter; the positive impact of our community matters." This statement reflected the theme of the conference as Missouri Public Transit Association, Iowa Public Transit Association and Kansas Public Transit Association met to learn from each other and from other nationally recognized presenters. Other presenters included Scott Bogren, Executive Director of the Community Transportation Association of America (CTAA) spoke on the future of transit funding and Lt. Ray Hassett

provided real-life skills for de-escalation and working with problem passengers. The conference's breakout sessions also covered topics on electric fleets, user-focused systems, mobility management and AV testing on rural roads. Overall, the 2 ½ day conference was informative and an excellence time to network with our partners from Missouri and Iowa.

## UPCOMING TRAINING OPPORTUNITIES

Below are current opportunities for training. If we can be of assistance in any other way, please contact [kutc\\_training@ku.edu](mailto:kutc_training@ku.edu).

**Have courage and be kind.**

CONTINUED ON NEXT PAGE

## KS RTAP DRIVER'S TRAINING

Defensive Driving and Emergency Procedures  
upcoming trainings

November 3 Great Bend

Defensive Driving and Passenger Assistance  
upcoming trainings

October 21 Emporia

November 17 Alma

November 19 Manhattan

KS RTAP Webinars

November 3 Communication Skills

November 17 Foundations in Customer Service

## ARTICLES TO REVIEW

Transit Cooperative Research Program: Managing  
Bus Passenger No-

Show Policies in Rural Kansas. This is a case study  
on the Flint Hills Area Transportation Agency (ATA  
bus) on rural bus services and small urban  
service in the Manhattan, Junction City, and Fort  
Riley County area in northeast Kansas.

[TCRP CaseStudy\\_Synthesis60\\_Revision\\_Sept2021.pdf \(apta.com\)](#)

## RESOURCES FOR LIVE AND ARCHIVED WEBINARS AND DOWNLOADS

There are many free, or low-cost, webinars and  
downloads hosted by other transportation centers,  
The National Transit Institute, Federal Transit  
Administration and other transportation agencies.  
KS RTAP has done the searching for you!

## University of Kansas Transportation Center

October 28 Modern Midwest Mobility Webinar  
series. Jim Hubbell, a solution engineering  
manager at Street Light Data, to discuss the how  
to leverage big data in transportation analyses to  
improve decision making.

[Webinar Registration - Zoom](#)

## National Transit Institute

The National Transit Institute (NTI) will continue to  
offer all courses virtually until 1/10/2022. Please  
follow this link to see NTI's scheduled webinars.  
Rutgers University Division of Continuing Studies

## Easterseals Project Action Consulting

November 1 ADA Complementary Paratransit:  
Responding to Emergencies

## Transportation Research Board (TRB)

October 27-28, 2021 Drug-Impaired Driving  
Conference

<http://www.trb.org/main/blurbs/182489.aspx>

## CONFERENCES

### National Conference on Rural Public and Intercity Bus Transportation (RIBTC)

October 25-27. Virtual Conference. [Transportation  
Research Board - National Conference on Rural  
Public & Intercity Bus Transportation \(secure-  
platform.com\)](#)

### Community Transportation Association of America (CTAA) Expo

November 8-10 Richmond, VA [Community  
Transportation \(ctaa.org\)](#)



# DIRECTOR'S MESSAGE

By Lisa Koch, Kansa RTAP



It is transit grant time in Kansas and we at Kansas RTAP are here to support you. As always, we have the Kansas demographic information on our website for you to use:

[https://kutc.ku.edu/sites/kutc.ku.edu/files/docs/RTAP/Final%202020%20estimates\\_updated.pdf](https://kutc.ku.edu/sites/kutc.ku.edu/files/docs/RTAP/Final%202020%20estimates_updated.pdf). Our resource collection has numerous articles that can help you

with system planning and grant writing: <https://kutcresources.ku.edu>. If you need additional advice as you plan your service for the next year, let us know, we are happy to help.

We have received requests to provide more information on Title VI plans and programs. In this newsletter, we have a fact sheet on the program. If there is still a need for more information, we can provide training on developing Title VI plans and programs. Additionally, please let me know if there are other topics you need assistance with.

Enjoy the newsletter and cooler weather. Please reach out to us if you need any assistance.

## SHARE!

If you know individuals who would like to receive our newsletter, please have them go to: [www.ksrtap.org](http://www.ksrtap.org) and sign up for the Kansas RTAP email list. There is a box to check to request electronic notification of each new issue of the TransReporter. Back issues are available at our website in the newsletter archives section.



## KANSAS TRANSIT REPORTER

The Kansas Transit Reporter is an educational and technology transfer newsletter published quarterly by the University of Kansas Transportation Center (KUTC). The newsletter is free to rural and specialized transit providers and others with an interest in rural and specialized service.

The Kansas Transit Reporter is co-sponsored by the Federal Transit Administration under its Rural Transportation Assistance Program (rtap) and the Kansas Department of Transportation. The purposes of the RTAP program are to: 1) educate transit operators about the latest technologies in rural and specialized transit; 2) encourage their translation into practical application; and 3) to share information among operators.

Autumn 2021. Copyright © Kansas University Transportation Center. All rights reserved. Reproduction of material appearing in the Kansas TransReporter requires written permission of the editor at [kara.cox@ku.edu](mailto:kara.cox@ku.edu)

THE UNIVERSITY OF KANSAS PROHIBITS DISCRIMINATION ON THE BASIS OF RACE, COLOR, ETHNICITY, RELIGION, SEX, NATIONAL ORIGIN, AGE, ANCESTRY, DISABILITY, STATUS AS A VETERAN, SEXUAL ORIENTATION, MARITAL STATUS, PARENTAL STATUS, GENDER IDENTITY, GENDER EXPRESSION AND GENETIC INFORMATION IN THE UNIVERSITY'S PROGRAMS AND ACTIVITIES. THE FOLLOWING PERSON HAS BEEN DESIGNATED TO HANDLE INQUIRIES REGARDING THE NONDISCRIMINATION POLICIES: DIRECTOR OF THE OFFICE OF INSTITUTIONAL OPPORTUNITY AND ACCESS, [IOA@KU.EDU](mailto:IOA@KU.EDU), 1246 W. CAMPUS ROAD, ROOM 153A, LAWRENCE, KS, 66045, (785) 864-6414, 711 TTY.

