

Example Situations

The following example situations are provided to illustrate typical situations that are subject to reasonable modification.

Multiple Entrances

For pickup and drop off locations with multiple entrances, a Handi-Van passenger's request to be picked up at home, but not at the front door, should be granted as long as the requested pick-up location does not pose a direct threat. In the case of frequently visited public places with multiple entrances such as schools, malls, employment centers, houses of worship, hospitals, airports, etc.), TheHandi-Van operator should pick up and drop off the passenger at the entrance requested by the passenger, rather than meet them in a location that has been predetermined by TheHandi-Van, again assuming that doing so does not involve a direct threat. Bear in mind that some private facilities (including Ala Moana Center) restrict the areas where Handi-Van's may pick-up and drop off passengers due to perceived issues with safety or traffic concerns.

Private Property

When accessing private property, even if it requires authorization, TheHandi-Van will make every reasonable effort to gain access to such property. However, the operator is not required to violate the law or lawful access restrictions to meet the passenger's requests. A public or private entity that unreasonably denies Handi-Van customer access to a Handi-Van vehicle may be subject to a complaint to the U.S. Department of Justice or U.S. Department of Housing and Urban Development for discriminating against services for persons with disabilities.

Eating and Drinking

If a passenger with diabetes or another medical condition requests to eat or drink aboard a vehicle or in a transit facility in order to avoid adverse health consequences, the request should be granted, even though TheHandi-Van has a policy that prohibits eating or drinking. An example is a person with diabetes who needs to consume a small amount of juice in a closed container or a candy bar in order to maintain blood sugar levels.

Medicine

A passenger's request to take medication while aboard TheHandi-Van or in a transit facility should be granted. An example would be allowing individuals to administer insulin injections and conduct finger stick blood glucose readings. TheHandi-Van staff will not provide medical assistance as this would be a fundamental alteration of their function.

Boarding Separately from Wheelchair

A wheelchair user's request to board TheHandi-Van separately from his or her device when the occupied weight of the device exceeds the design limit of the vehicle lift will generally be granted.

Dedicated Vehicles or Special Equipment in a Vehicle

A Handi-Van passenger's request for special equipment (such as the installation of specific hand rails or a front seat in a vehicle for the passenger to avoid nausea or back pain) can be denied so long as the requested equipment is not required by the Americans with Disabilities Act or the USDOT's rules. Likewise, a request for a dedicated vehicle can be denied. In all cases, the USDOT views meeting the requests as involving a fundamental alteration of TheHandi-Van's service.

Exclusive or Reduced Capacity

A passenger's request for an exclusive Handi-Van trip may be denied as a fundamental alteration of TheHandi-Van services. Handi-Van is a shared-ride service.

Personal Care Attendant

While PCA's may travel free with a passenger with a disability, TheHandi-Van is not required to provide a personal care attendant or personal care attendant services to meet the needs of passenger with disabilities. For example, a passenger's request for TheHandi-Van's operator to remain with the passenger who, due to his or her disability, cannot be left alone without an attendant upon reaching his or her destination may be denied.

Payment

A passenger's request for the operator to provide the service when the passenger with a disability cannot or refuses to pay the fare may be denied (with dispatch approval). Since TheHandi-Van charges payment to ride, to provide a free service would constitute a fundamental alteration of TheHandi-Van service.

Caring for Service Animals

A passenger's request that the operator take charge of a service animal may be denied. Caring for a service animal is the responsibility of the passenger or a PCA.

Opening Building Doors

For Handi-Van services, a passenger's request for the operator to open an exterior entry door to a building to provide boarding and/or alighting assistance to a passenger with a disability should generally be granted as long as providing this assistance would not pose a direct threat or leave the vehicle unattended or out of visual observation for a lengthy period of time. A request for "door through door" service generally would not need to be granted because it could rise to the level of a fundamental alteration.

Exposing Vehicles to Hazards

If the passenger requests that a vehicle follow a path to a pick up or drop off point that would expose the vehicle and its occupants to hazards, such as running off the road, getting stuck, striking overhead objects, or reversing the vehicle down a narrow alley, the request can be denied as creating a direct threat.

Hard-to-Maneuver Stops

A passenger may request that a Handi-Van vehicle navigate to a pick-up point to which it is difficult to maneuver a vehicle. A passenger's request to be picked up in a location that is difficult, but not impossible or impracticable, should generally be granted as long as picking up the passenger does not expose the vehicle to hazards that pose a direct threat. If there is any doubt in whether a location is safe for a Handi-Van to operate, the Handi-Van will conduct a site assessment of the requested route to determine if it can be serviced safely.

Specific Drivers

A passenger's request for a specific operator may be denied. Having a specific operator is not necessary to afford the passenger the service provided by TheHandi-Van.

Luggage and Packages

A passenger's request for an operator to assist with luggage or packages may be denied in those instances where it is not the normal policy or practice or is outside the normal policy or practice to assist with luggage or packages. Handi-Van operators should confirm with dispatch if in doubt.

Request to Avoid Specific Passengers

A Handi-Van passenger's request not to ride with certain passengers may be denied. Handi-Van is a shared-ride service. As a result, one passenger may need to share the vehicle with people that he or she would rather not.

Navigating on an Incline or Around Obstacles

A Handi-Van passenger's request for an operator to help him or her navigate an incline (such as a driveway or sidewalk) with the passenger's wheeled device should generally be granted. Likewise, assistance in traversing a difficult sidewalk (such as one where tree roots have made the sidewalk impassible for a wheelchair) should generally be granted, as should assistance around obstacles (such as construction areas) between the vehicle and a door to a passenger's house or destination. These modifications should be granted subject to the condition that such assistance would not cause a direct threat or leave the vehicle unattended or out of visual observation for a lengthy period of time.

Extreme Weather Assistance

An Handi-Van passenger's request to be assisted from his or her door to a vehicle during extreme weather conditions should generally be granted so long as the operator leaving the vehicle to assist would not pose a direct threat or leave the vehicle unattended or out of visual observation for a lengthy period of time. For example, in extreme weather, a person who is blind or vision-impaired or a frail elderly person may have difficulty safely moving to and from a building.

Unattended Passengers

Where a passenger's request for assistance means that the operator will need to leave passengers aboard a vehicle unattended, TheHandi-Van should generally grant the request as long as accommodating the request would not leave the vehicle unattended or out of visual observation for a lengthy period of time, both of which could involve direct threats to the health or safety of the unattended passengers. It is important to keep in mind that, just as an operator is not required to act as a PCA for a passenger making a request for assistance, so an operator is not intended to act as a PCA for other passengers in the vehicle, such that he or she must remain in their physical presence at all times.

Need for Return Trip Assistance

A passenger with a disability may need assistance for a return trip when he or she did not need that assistance on the initial trip. For example, a dialysis patient may have no problem waiting at the curb for a ride to go to the dialysis center, but may well require assistance to the door on his or her return trip because of physical weakness or fatigue. To the extent that this need is predictable, it should be handled in advance, either as part of the eligibility process or the reservation process. If the need arises unexpectedly, then it would need to be handled on an ad hoc basis. TheHandi-Van should generally provide such assistance, unless doing so would create a direct threat or leave the vehicle unattended or out of visual observation for a lengthy period of time.

Notification of Arrival Calls

A passenger's request for a telephone call 5 minutes (or another reasonable interval) in advance or at a time of vehicle arrival generally should be granted. As a matter of courtesy, such calls are encouraged as a good customer service model and can prevent "no shows." In situations where automated systems are not available and Handi-Van operators continue to rely on handheld communication devices (such as MDTs and radios); operators should comply with any State or Federal laws related to distracted driving.

Hand-Carrying

Except in emergency situations, a passenger's request for an operator to lift the passenger out of his or her mobility device should generally be denied because of the safety, dignity, and privacy issues implicated by hand-carrying a passenger. Hand-carrying a passenger is also a PCA-type service which is outside the scope of operator duties and hence a fundamental alteration.