

TILLAMOOK COUNTY TRANSPORTATION DISTRICT POLICY

REASONABLE MODIFICATION	Number: 32
Adopted by the Board of Directors on July 16, 2015 Effective: July 17, 2015	Pages: 5

1. Purpose

The purpose of this reasonable modification policy is to ensure that Tillamook County Transportation District (TCTD) offers people with disabilities equal access to public transportation services to be in full compliance with the provisions of the Title II of the American with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

2. Policy

TCTD is committed to providing qualified individuals with disabilities opportunity to have equal access to all programs, services and activities by:

1. Recognizing that individuals with disabilities may need reasonable modification to policies and procedures.
2. Adhering to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications
3. Not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity.
4. Take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

3. 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. TCTD will make reasonable modifications to policies, practices and procedures when necessary to ensure access to transit services for qualified individuals with disabilities, unless:

1. Making the accommodation would fundamentally alter the nature of the public transportation service.

2. Making the accommodation would create a direct threat to the health or safety of others including passengers.
3. The individual with a disability is able to fully use the TCTD's service without the accommodation being made.

For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term "reasonable modifications" as set forth in the Americans with Disabilities Act title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

4. Eligibility Criteria

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.

5. Requests for Reasonable Modifications

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

1. Individuals requesting modifications shall describe what they need in order to use the service.
2. Individuals requesting modifications are not required to use the term "reasonable modification" when making a request. Personnel at TCTD will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
3. Whenever feasible, TCTD requests that individuals make such requests for modifications in advance if it is possible to do so before TCTD is expected to provide the modified service.
4. 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 TCTD'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.

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 persons with disabilities if unable to communicate their request in writing or upon request.

6. Interactive Process

When a request for accommodation is made, TCTD 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 District 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.

7. Time Frame for Processing Requests and Providing Reasonable Modification

TCTD will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. The District 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.

8. Granting a Reasonable Modification Request

As soon as TCTD 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, the District 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.

9. Denying a Reasonable Modification Request

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

1. the specific reasons for the denial;
2. any alternative accommodation that may create the same access to transit services as requested by the individual; and
3. the opportunity to file a complaint relative to the TCTD's decision on the request.

10. Complaint Process

The TCTD process for investigating and tracking complaints from qualified individuals includes procedures to be posted on the District's website and will be provided to any individual where the TCTD 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 persons 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 TCTD Reasonable Modification Complaint Form. The District will begin investigating the complaint no more than 30 days after receipt. Once a completed complaint is received the complainant will be sent an acknowledgement of receipt. If more information is needed to resolve the complaint, the District may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to TCTD.

If TCTD is not contacted by the complainant or does not receive the additional information within 30 business days, the District may administratively close the complaint. A complaint may be administratively closed also if the complainant no longer wishes to pursue their case.

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

1. *Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explain what actions will be taken by TCTD to address the complaint.
2. *Letter of Closure* – This letter will explain why TCTD has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the District's decision an opportunity to appeal the decision may be pursued provided the complainant files notice of appeal within 21 days of the initial decision.

In the event of appeal, the complainant will be granted all due process, including the ability to present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

11. Designated Employee

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

Doug Pilant, General Manager
3600 3rd Street
Tillamook, OR 97141
503-842-8283
dpilant@tillamookbus.com

12. Record Retention

TCTD will maintain all records related to reasonable modification requests and denials as per the District's Documents and Records Retention Policy #11 in accordance to OAR 166-150-0005.