

Lane Transit District

Reasonable Modification Policy

1. Purpose

The purpose of the reasonable modification policy is to ensure that Lane Transit District (LTD) offers equitable and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

2. Policy

LTD is committed to providing equitable access and opportunity to individuals with disabilities in all programs, services, and activities. LTD recognizes that in order to have equitable and effective opportunities and benefits, individuals with disabilities may need reasonable modification to policies, practices, and procedures. LTD 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 persons with disabilities. LTD does not discriminate based on disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. LTD will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of LTD, or be subject to discrimination by LTD.

3. Eligibility Criteria

An individual is eligible to request a reasonable modification consideration if that individual experiences 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 impairment¹.

¹ Americans with Disabilities Act, Title 42, Chapter 126, Section 12102

4. Reasonable Modification

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

- Making the modification would fundamentally alter the nature of the public transportation service.
- Making the modification would create a direct threat to the health or safety of others including passengers.
- The individual with a disability is able to fully use the Lane Transit District's service without the modification.
- Making the modification would create an undue financial or administrative burden.

For the purposes of this section, the term reasonable modification shall be interpreted in a manner consistent with the term "reasonable accommodations" 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.

5. Requests for Reasonable Modification

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

- a. Individuals (or their representatives) 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 accommodation or reasonable modification" when making a request. LTD will determine if the request represents a reasonable modification and proceed in considering the request according to ADA guidelines and this policy.
- c. Whenever feasible, LTD requests that individuals make such requests for reasonable modification in advance if possible to allow time to consider the request and, if approved, to make the appropriate modification to affected policies, practices, and/or procedures.

- d. Where a request for modification cannot practicably be made and determined in advance, LTD personnel shall make a determination of whether the modification can be made at the time of the request. Operating personnel should consult with LTD'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 modification process begins as soon as the request is received.

Reasonable modification request forms shall be made readily available on LTD's Website and at LTD's Customer Service Center. Oral requests can be made at the LTD Customer Service Center or by phone.

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 in advance.

6. Interactive Process

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

7. Time Frame for Processing Requests and Providing Reasonable Modification

LTD will process requests for reasonable modification and then provide the modification, where appropriate, within thirty (30) business days. LTD recognizes, however, that the time necessary to process a request will depend on the nature of the modification(s) requested and whether it is necessary to obtain supporting information.

8. Granting a Reasonable Modification Request

As soon as LTD determines that a reasonable modification will be provided, that decision shall immediately be communicated to the individual. This notice will be in writing in order to maintain the required record for reporting purposes. However, 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, LTD shall give priority to those methods that offer services, programs, and activities to 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 LTD determines that a request for reasonable modification will be denied, LTD will communicate the basis for the decision in writing to the individual requesting the modification. When requested, alternative means of response also will be provided. The explanation for the denial will clearly state:

- a. the specific reasons for the denial;
- b. any alternative modification that may create the same access to transit services as requested by the individual; and
- c. the opportunity to file an appeal relative to the LTD's decision on the request.

10. Appeal Process

LTD has a process for investigating and tracking complaints/appeals. These procedures shall be posted on the LTD website and will be provided to any individual upon request. The process and any forms necessary to file an appeal of a decision are readily available on LTD's Website as well as at LTD's Customer Service Center. Alternative means of filing an appeal, 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 in advance.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file an appeal by completing and submitting LTD's Reasonable Modification Appeal Form. LTD's investigation and consideration of an appeal shall take no more than 30 business days after receipt, unless additional time is agreed upon by the appellant and LTD. Once the appeal is received, the appellant will receive an acknowledgement of receipt. If more information is needed to resolve the appeal, LTD may contact the appellant. The appellant has 30 business days from the date of the request to send requested information to LTD.

If the appellant does not provide the additional information within 30 business days, LTD may close the appeal. An appeal also may be closed if the appellant no longer wishes to pursue their complaint.

After LTD investigates the appeal, a decision will be rendered in writing to the appellant. LTD will issue either a Letter of Closure or Letter of Finding.

- a. *Letter of Finding* – This letter will summarize the appeal, any interviews conducted regarding the appeal, and explain what actions will be taken by LTD to address the appeal.
- b. *Letter of Closure* – This letter will explain why LTD has determined that the appeal does not merit modification under the Americans with Disabilities Act and that the appeal will be closed.

If the complainant disagrees with the decision of LTD, an opportunity to further appeal the decision may be pursued provided the appellant files notice of appeal within 30 business days of the initial decision of LTD.

In the event of appeal, the appellant 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. Reasonable Modification Request Process Outlined

- a. When possible, LTD operational staff will consider immediate need reasonable accommodation requests. If a request is unable to be determined immediately, LTD will refer the individual to LTD's Customer Service Center to initiate a formal request for reasonable modification.
- b. As soon as a formal request is received by LTD, LTD will endeavor to consider and respond to the request in the shortest time possible, and no more than thirty (30) business days from the date the request is received. LTD Accessible Services staff will be responsible for considering the request.
- c. If the request is denied, the individual may file an appeal within thirty (30) business days with LTD's Customer Service Center. LTD's Accessible and Customer Service Manager will consider the appeal.

12. Designated Employee

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

Cosette Rees, Manager
Accessible and Customer Services
Lane Transit District
P.O. Box 7070
Springfield, OR 97475
541-682-6100
ltd@ltd.org

13. Record Retention

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

14. Adoption

Reviewed and Approved by LTD's Accessible Transportation Committee on _____

Adopted by: Lane Transit District Date: _____