

Reasonable Modification Policy

Purpose

The purpose of the reasonable modification policy is to ensure that LINX Transit offers equal and effective opportunities and access to public transportation services for persons with disabilities and 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.

Policy

LINX Transit is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services and activities. LINX Transit recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modification to policies, practices and procedures. LINX Transit 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. LINX Transit does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. We 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 the Lebanon Transportation Program, or be subject to discrimination by the Lebanon Transportation Program.

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. LINX Transit will make reasonable modifications to policies, practices and procedures when necessary to ensure access to transportation services for qualified 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 LINX Transit service without the modification being made.
- 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.

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 (Americans with Disabilities Act, Title 42, Chapter 126, Section 12102).

Requests for Reasonable Modification

LINX Transit shall provide contact information to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines. LINX Transit shall follow these procedures in taking requests:

- Individuals (or their representatives) requesting modifications shall describe what they need in order to use the service.
- Individuals requesting modifications are not required to use the term “reasonable modification or reasonable accommodation” when making a request. LINX Transit staff will determine if the request represents a reasonable modification and proceed in considering the request according to this policy.
- Whenever feasible, LINX Transit requests that individuals make such requests for modifications in advance, if possible, in order to allow time to consider the request, and if approved, to make the appropriate modification(s) to affected policies, practices and/or procedures.
- Where a request for modification cannot practicably be made and determined in advance, LINX Transit staff shall make a determination of whether the modification can be provided at the time of the request. Operating personnel may consult with the LINX Transit Director 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 the LINX Transit website (www.ci.lebanon.or.us/LINX) and at the LINX Transit office. Oral requests can be made 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.

Interactive Process

When a request for modification is made, LINX Transit 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 LINX Transit 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.

Time Frame for Processing Requests and Providing Reasonable Modification

LINX Transit will process requests for reasonable modification and then provide the modification, where appropriate, in as short a time frame as reasonably possible, and within thirty (30) business days. LINX Transit 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.

Granting a Reasonable Modification Request

As soon as LINX Transit determines that a reasonable modification 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, LINX Transit 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.

Denying a Reasonable Modification Request

As soon as LINX Transit determines that a request for reasonable modification will be denied, the LINX Transit Director will communicate the basis for the decision in writing to the individual requesting the modification. When requested, alternative means of response will also be provided. The explanation for the denial will clearly state:

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

Appeal Process

LINX Transit has a process for investigating and tracking complaints and appeals. These procedures shall be posted on the LINX Transit website and will be provided to any individual upon request. The process and any forms necessary to file an appeal are readily available on the LINX Transit website and LINX

main office. 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 a complaint by completing and submitting a LINX Transit Reasonable Modification Appeal Form. LINX Transit's investigation and consideration of an appeal shall take no more than 30 days after receipt, unless additional time is agreed upon by the appellant and LINX Transit. Once the appeal is received, the appellant will receive an acknowledgement of receipt. If more information is needed to resolve the appeal, LINX Transit may contact the appellant. The appellant has 30 business days from the date of the request to send requested information to LINX Transit.

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

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

- *Letter of Finding* – This letter will summarize the appeal, any interviews conducted regarding the appeal, and explains what actions will be taken by LINX Transit to address the appeal.
- *Letter of Closure* – This letter will explain why LINX Transit 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 LINX Transit, an opportunity to further appeal the decision may be pursued provided the appellant files notice of appeal within 30 days of the initial decision of LINX Transit.

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.

Reasonable Modification Request Process Outlined

- When possible, LINX Transit staff will consider immediate need reasonable accommodation requests. If a request is unable to be determined immediately, LINX Transit will refer the individual to initiate a formal request for reasonable modification.
- As soon as a formal request is received by LINX Transit, LINX Transit 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. LINX Transit will be responsible for considering the request.

- If the request is denied, the individual may file an appeal within thirty (30) business days with the LINX Transit.

Designated Employee

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

Kindra Oliver, Transportation Program Director
Lebanon Transportation Program
80 Tangent Street
Lebanon, OR 97355
by Phone: 541-258-4222
By Facsimile: 541-258-4956
koliver@ci.lebanon.or.us

Record Retention

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