

SHERMAN COUNTY COMMUNITY TRANSPORTATION

Reasonable Modification Policy

1. Purpose

The purpose of the reasonable modification policy is to ensure that Sherman County Community Transportation 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 Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

2. Policy

Sherman County Community Transportation is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services and activities. Sherman County Community Transportation recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Sherman County Community Transportation 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. Sherman County Community Transportation 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. Sherman County Community Transportation will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No qualified 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 Sherman County Community Transportation subject to discrimination by Sherman County Community Transportation.

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

- Making the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health or safety of other passengers.

- The individual with a disability is able to fully use Sherman County Community Transportation’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

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

- a. Individuals 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 modification” when making a request. Personnel at Sherman County Community Transportation will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Sherman County Community Transportation requests that individuals make such requests for modifications before Sherman County Community Transportation is expected to provide the modified service.
- d. 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 Sherman County Community Transportation’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, Sherman County Community Transportation 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 Sherman County Community Transportation 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

Sherman County Community Transportation will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Sherman County Community Transportation 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 Sherman County Community Transportation 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, Sherman County Community Transportation 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 Sherman County Community Transportation determines that a request for reasonable accommodation will be denied, Sherman County Community Transportation will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- a. the specific reasons for the denial;
- b. any alternative accommodation that may create the same access to transit services as requested by the individual; and
- c. the opportunity to file a complaint relative to the Sherman County Community Transportation 's decision on the request.

10. Complaint Process

Sherman County Community Transportation has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Sherman County Community Transportation 's website and will be provided to any individual where the Sherman County Community Transportation 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 Sherman County Community Transportation 's Reasonable Modification Complaint Form. Sherman County Community Transportation investigates complaints received no more than 30 days after receipt. [Insert name of transit provider] will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Sherman County Community Transportation may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Sherman County Community Transportation.

If Sherman County Community Transportation is not contacted by the complainant or does not receive the additional information within 30 business days, the [Insert name of transit provider] may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After Sherman County Community Transportation investigates the complaint, a decision will be rendered in writing to the complainant. Sherman County Community Transportation will issue either a Letter of Closure or Letter of Finding.

- a. *Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Sherman County Community Transportation to address the complaint.

- b. *Letter of Closure* – This letter will explain why Sherman County Community Transportation 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 decision of Sherman County Community Transportation, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of Sherman County Community Transportation.

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

11. Designated Employee

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

Marnene Benson-Wood, Transportation Coordinator
Sherman County Community Transportation
500 Court Street
Moro, Oregon 97039
541-565-3553
marnenebw@co.sherman.or.us

12. Record Retention

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



COMMUNITY TRANSPORTATION Americans with Disabilities Act Complaint Form

Sherman County Community Transportation is dedicated to operating a transit system that serves people of all abilities. If you believe you have been excluded from, denied the benefits of or been subjected to discrimination due to your disability while using our transportation service, you are encouraged to report it to us. You may also ask for a reasonable modification to make the transportation more accessible to you.

Please print or type your responses below. You may submit this form in person at the address below, mail or email this form to:

Sherman County Community Transportation
500 Court Street, Moro OR 97039
Mailing Address: P.O. Box 365, Moro, OR 97039
Phone: 541-565-3553 Fax: 541-565-3312 Email: marnenebw@co.sherman.or.us

The Transportation office will respond to your request within 30 business days after receipt. If the complainant is unable to write because of a disability and needs assistance in completing the form please contact our office for assistance. If complainant needs other assistance such as language or sign interpreter or another accessible please contact our office.

SECTION 1: CONTACT INFORMATION

Name: _____
Address: _____
City: _____ **State:** _____ **Zip:** _____
Home Phone: _____ **Cell Phone:** _____

SECTION 2: FILING ON BEHALF OF OTHERS

Are you filing this complaint on your own behalf? **Yes** _____ **No** _____

If you answered "yes" to this question, go to **Section 3**

If you answered "no" please supply the name and relationship of the person for whom you are filing this complaint.

Name: _____ **Relationship:** _____

Please explain why you are filing for a third party: _____

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of the third party. **Yes** _____ **No** _____

SECTION 3: COMPLAINT

**Date & time of alleged
discrimination:** _____

Describe your complaint in detail. Please be specific. Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as the names and contact information of any witnesses. Please provide the route, vehicle number, time of day and direction of travel, if you have them, as they can be very helpful.

I affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief:

Signature: _____ **Date:** _____