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Aging and Disability Resource Center

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Policy Number: 2023 Transportation 02

Director Approval: 1/5/2023

Policy Title: Reasonable Modifications

Board Approval (if needed): _____

APC Approval: _____

Date Revised: _____

PURPOSE STATEMENT:

The purpose of the reasonable modification policy is to ensure that Columbia County Aging and Disability (ADRC) Transportation Program 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.

PROCEDURE:

Columbia County Aging and Disability (ADRC) Transportation Program is committed to providing equitable access and opportunity to individuals with disabilities in all programs, services, and activities. Columbia County Aging and Disability (ADRC) Transportation Program recognizes that in order to have equitable and effective opportunities and benefits, individuals with disabilities may need reasonable modification to policies, practices, and procedures. Columbia County Aging and Disability (ADRC) Transportation Program 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. Columbia County Aging and Disability (ADRC) Transportation Program does not discriminate based on disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Columbia County Aging and Disability (ADRC) Transportation Program 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 Columbia County Aging and Disability (ADRC) Transportation Program, or be subject to discrimination by Columbia County Aging and Disability (ADRC) Transportation Program.

1. 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.

2. 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. Columbia County Aging and Disability (ADRC) Transportation Program will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for individuals with disabilities, unless:

- a. Making the modification would fundamentally alter the nature of the public transportation service.
- b. Making the modification would create a direct threat to the health or safety of others including passengers.
- c. The individual with a disability is able to fully use the transportation service without the modification.
- d. 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.

3. Requests for Reasonable Modification

Columbia County Aging and Disability (ADRC) Transportation Program shall make information about how to contact Columbia County Aging and Disability (ADRC) Transportation Program to make requests for reasonable modification readily available to the public through its website and rider guidelines and 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. Columbia County Aging and Disability (ADRC) Transportation Program 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, Columbia County Aging and Disability (ADRC) Transportation Program 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, Columbia County Aging and Disability (ADRC) Transportation Program personnel shall make a determination of whether the modification can be made at the time of the request. Operating personnel should consult with Columbia County Aging and Disability (ADRC) Transportation Program'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 are by contacting Columbia County Aging and Disability (ADRC) Transportation Program by phone or email.



Reasonable
Modification Request

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.

4. Interactive Process

When a request for modification is made, Columbia County Aging and Disability (ADRC) Transportation Program 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 Columbia County Aging and Disability (ADRC) Transportation Program 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.

5. Time Frame for Processing Requests and Providing Reasonable Modification

Columbia County Aging and Disability (ADRC) Transportation Program will process requests for reasonable modification and then provide the modification, where appropriate, within thirty (30) business days. Columbia County Aging and Disability (ADRC) Transportation Program 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.

6. Granting a Reasonable Modification Request

As soon as Columbia County Aging and Disability (ADRC) Transportation Program 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, Columbia County Aging and Disability (ADRC) Transportation Program 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.

7. Denying a Reasonable Modification Request

As soon as Columbia County Aging and Disability (ADRC) Transportation Program determines that a request for reasonable modification will be denied, Columbia County Aging and Disability (ADRC) Transportation Program 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 Columbia County Aging and Disability (ADRC) Transportation Program's decision on the request.

8. Appeal Process

Columbia County Aging and Disability (ADRC) Transportation Program will follow its existing procedure for investigating and tracking complaints/appeals. These procedures shall be posted on the Columbia County Aging and Disability (ADRC) Transportation Program 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 Columbia County Aging and Disability (ADRC) Transportation Program's Website as well as at Columbia County Aging and Disability (ADRC) Transportation Program 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.

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decision are readily available on Columbia County Aging and Disability (ADRC) Transportation Program's Website as well as at Columbia County Aging and Disability (ADRC) Transportation Program 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.

10. Appeal Process

Columbia County Aging and Disability (ADRC) Transportation Program will follow its existing procedure for investigating and tracking complaints/appeals. These procedures shall be posted on the Columbia County Aging and Disability (ADRC) Transportation Program 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 Columbia County Aging and Disability (ADRC) Transportation Program's Website as well as at Columbia County Aging and Disability (ADRC) Transportation Program 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.

11. Reasonable Modification Request Process Outlined

- a. When possible, Columbia County Aging and Disability (ADRC) Transportation Program operational staff will consider immediate need reasonable accommodation requests. If a request is unable to be determined immediately, Columbia County Aging and Disability (ADRC) Transportation Program will refer the individual to Columbia County Aging and Disability (ADRC) Transportation Program's Customer Service Center to initiate a formal request for reasonable modification.
- b. As soon as a formal request is received by Columbia County Aging and Disability (ADRC) Transportation Program, Columbia County Aging and Disability (ADRC) Transportation Program 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. Columbia County Aging and Disability (ADRC) Transportation Program 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 Columbia County Aging and Disability (ADRC) Transportation.

12. Designated Employee

Columbia County Aging and Disability (ADRC) Transportation Program shall designate one official within the organization responsible for processing reasonable modification requests and handling appeals. This individual is:

Transportation Coordinator

111 E Mullett Street Portage WI 53901

608-742-9233

adrc@columbiacountywi.gov

13. Record Retention

Columbia County Aging and Disability (ADRC) Transportation Program will maintain all records related to reasonable modification requests and denials for at least three (3) years.

14. Adoption

Reviewed and Approved by Columbia County Aging and Disability (ADRC) Board:

Adopted by: _____ Date: _____

REFERENCES:

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