

Agenda Item # 7.a.1.

To: Board of Directors

Date: July 9, 2015

From: Bill Churchill, Director of Transportation

Reviewed by:

SUBJECT: American with Disabilities Act: Reasonable Modification Regulation and requirements

Summary of Issues:

After nine years of consideration, on March 13, 2015, the U.S. Department of Transportation (DOT) issued revised regulations under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. The revised regulations require public transportation entities to make reasonable modifications to their transit service policies, practices and procedures where necessary to make transit services more accessible to persons with disabilities. This rule requires County Connection to develop procedures by July 13th 2015 in order to be compliant with the new regulation.

The new regulation requires County Connection to make “Reasonable Modifications” to its policies, practices and procedures of both fixed route and LINK services upon request to ensure those services are usable by a qualified person with disabilities, unless it can be demonstrated that granting the request would: (i) fundamentally alter the nature of County Connection services, programs or activities or result in undue financial and administrative burden, or (ii) result in a direct threat to the health or safety of others, or (iii) without the requested modification, the individual with a disability is able to fully use the entities’ services, or (iv) granting the request would create an undue financial or administrative burden.

County Connection is required to develop procedures to consider requests for modifications as well as to establish a complaint process. These procedures must inform the public how to submit requests for reasonable modification, in manner that is readily available to persons with disabilities, and provide appropriate due process standards for prompt and equitable resolution of complaints. When a requested modification is denied, to the maximum extent possible (without resulting in a direct threat or fundamental alteration in service), other actions to ensure that the individual with disabilities receives the benefit of transit services should be undertaken. Additionally, this rule requires County Connection to designate a staff person for the coordination of Reasonable Modification compliance, training, and oversight.

To this end, staff has developed the attached Board Policy to acknowledge County Connection’s responsibilities under the reasonable modification regulations. Since the current position, Manager of Accessible Services, has been vacant since the retirement of the prior staff incumbent, the General Manager will serve as the designated responsible person to oversee and coordinate the implementation of the regulation. Written procedures for handling

reasonable modification requests, a written complaint process, personnel training, and dissemination of public information about the program will be in place by the effective date of July 13, 2015.

Financial Implications:

At this time it is difficult to assess if there will be any significant financial impact. Financial impact will depend on the volume of requests for Reasonable Modification and their complexity which could have a negative impact on administrative staff resources and potential operational impacts. Staff does not anticipate a large volume of requests for either the fixed route or LINK services but will monitor demand and report to the committee any negative operational or financial impacts observed.

Recommendation:

The O&S Committee recommends the full Board adopt the attached Reasonable Modification policy.

Options:

- 1) Adopt the Policy
- 2) Request staff to modify the attached policy

Action Requested:

Approve Resolution No. 2016-003

Attachments:

Policy for compliance with DOT Reasonable Modification regulation

SUBJECT: Department of transportation (DOT) Reasonable Modification Regulation

POLICY: County Connection is committed to provide safe, reliable and accessible transportation services. To ensure equity and fairness, County Connection is committed to making reasonable modifications to its policies, practices and procedures to avoid discrimination and ensure programs and services are accessible to individuals with disabilities, provided that doing so: (i) is within the power of County Connection; (ii) will not fundamentally alter the nature of its services; (iii) will not constitute a direct threat to the health and safety of others; (iv) will not impose an unreasonable financial or administrative burden; and (v) will not require the commission of an illegal act.

Any person seeking a reasonable modification of County Connection policies, practices or procedures, desiring to appeal a reasonable modification determination, or who believes they have been discriminated against by County Connection on the basis of a disability, may submit a modification request, appeal, or complaint for handling in accordance with related County Connection procedures that are described in County Connection's website, or available from the County Connection's Customer Relations office.