

City of Milton-Freewater

722 South Main Street | P.O. Box 6 | Milton-Freewater, OR
97862 541.938.5531 | www.mfcity.com



Public Transit

Reasonable Modification Policy

Purpose

The purpose of the reasonable modification policy is to ensure that the City of Milton-Freewater 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.

Policy

The City of Milton-Freewater is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services and activities. The City recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Public 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. The City 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. Public transit 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 the City of Milton-Freewater or be subject to discrimination by its public transit 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. Public transit 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 public transit services 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.

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.

Requests for Reasonable Modifications

The City of Milton-Freewater shall make information about how to request reasonable modifications readily available to the public through its website and rider policy guidelines. The City 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 will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, the City requests that individuals make such requests for modifications before the expectation of modified service.
- d. Where a request for modification cannot practicably be made and determined in advance, operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with public transit 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.

Interactive Process

When a request for accommodation is made, the City and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided.

Time Frame for Processing Requests and Providing Reasonable Modification

Public transit will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. The City 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.

Granting a Reasonable Modification Request

As soon as the City 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, public 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 the City determines that a request for reasonable accommodation will be denied it 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 City's decision on the request.