Reasonable Modification Policy

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

This policy applies to all safety-sensitive transportation vehicle operators including full, part time and those staff that may be required to operate the vehicle. 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.

Elbert Transit is committed to providing equal access and opportunity to individuals with disabilities in all programs, services and activities. Elbert Transit recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Elbert 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. Elbert 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. Elbert Transit 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 Elbert Transit, or be subject to discrimination by Elbert Transit.

A reasonable modification is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities. Elbert Transit will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for 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 Elbert Transit's service without the accommodation being made.

- Making the accommodation creates an undue financial burden on the transit system.

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 has been regarded as having such impairment.

REQUESTS FOR REASONABLE MODIFICATION

Elbert Transit shall make information about how to contact Elbert Transit to make requests for reasonable modifications readily available to the public through its website, brochures, and other rider policy guidelines. Elbert Transit shall follow these procedures in taking requests:

a. Individuals requesting modifications shall describe the modification to service needed 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 Elbert Transit will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.

c. Whenever feasible, Elbert Transit requests that individuals make such requests for modifications before Elbert Transit 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 Elbert Transit'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.

INTERACTIVE PROCESS

When a request for accommodation is made, Elbert Transit 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 Elbert Transit 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.

TIME FRAME FOR PROCESSING REQUESTS TO PROVIDE REASONABLE MODIFICATION

Elbert Transit will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Elbert Transit 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 Elbert Transit 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, Elbert 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.

DENIAL OF REASONABLE MODIFICATION REQUEST

As soon as Elbert Transit determines that a request for reasonable accommodation will be denied, Elbert Transit will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

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

COMPLAINT PROCESS

Elbert Transit has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Elbert Transit's

website and will be provided to any individual where the Elbert Transit 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 Elbert Transit's Reasonable Modification Complaint Form. Elbert Transit investigates complaints received no more than 30 days after receipt. Elbert Transit 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, Elbert Transit may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Elbert Transit.

If Elbert Transit is not contacted by the complainant or does not receive the additional information within 30 business days, the Elbert Transit may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After Elbert Transit investigates the complaint, a decision will be rendered in writing to the complainant. Elbert Transit will issue either a Letter of Closure or Letter of Finding.

- **Letter of Finding** – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Elbert Transit to address the complaint.
- **Letter of Closure** – This letter will explain why Elbert Transit 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 Elbert Transit, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of Elbert Transit.

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.

DESIGNATED EMPLOYEE

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

Transit Director
Elbert Transit
1041 Mobley Hill Rd. Elberton, Ga 30365
P.O. Box 493 Elberton, Ga 30635
706-283-2034

RECORD RETENTION

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