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## Reasonable Modification For Transit Services

### Introduction

The Americans with Disability Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and public transportation (including fixed route, demand response and paratransit service) and mandates the establishment of TDD/telephone relay services. The ADA's current text includes changes made by Amendments Act following the initial passing of the Act.

Lorain County Transit depends on grants from the Ohio Department of Transportation (ODOT) and Federal Transit Administration (FTA) which mandates ADA compliance. LCT, as a provider of public transportation, is subject to audits and investigations to assess compliance and may receive penalties for failure to comply.

### References

- 49 CFR Part 37, Subpart E
- 49 CFR Part 37, Subpart G, Section 37.169
- 49 C.F.R. 37 – Transportation Services for Individuals with Disabilities (ADA)
- The American with Disabilities Act of 1990, as amended

### Purpose

The purpose of this policy is to provide guidance to LCT employees when approached by individuals with disabilities who wish to request a reasonable modification in order to utilize transit service offered by LCT and to outline the process by which requests for reasonable modification will be received, approved or denied and/or appealed.

This policy is also designed to educate all LCT employees about:

- The process by which reasonable modification may be requested and authorized;
- The process by which a request for reasonable modification is approved or denied;
- The process of requesting an appeal of an initial determination;
- ADA's requirements for ridership that impact their roles while working on behalf of the Authority; and
- The consequences for failing to comply with the ADA requirements.

### Statement of Policy

FTA has mandated that a public entity providing fixed route or demand response service shall respond to requests by individuals with disabilities for reasonable modification to policies and practices consistent with specific guidelines as outline in the regulations. In

addition, the public entity providing fixed route or demand responsive service is required to make information available to the public detailing how individuals can contact the public entity to request reasonable modification.

In response to these guidelines, LCT, as a provider of fixed route and demand response service has established the following:

1. Means by which passengers and the public in general are informed that individuals with disabilities may request reasonable modification in order to utilize existing fixed route or demand responsive service.
2. Process describing how requests for reasonable accommodation are to be accepted, authorized or denied, with an option to appeal the initial determination if desired.
3. Recertification process.
4. Procedure for handling "ad hoc" requests.
5. Timeline for processing.

Please note: The needs of employees with disabilities are addressed in other policies. An employee who has a medical condition which may prevent him/her from performing the essential functions of his/her position should seek assistance through Human Resources. This policy is not intended to address an **employee's** rights and/or responsibilities under the ADA regulations.

#### Requests for Reasonable Modification by Passengers

Request for reasonable modifications of policies and practices will be considered as follows:

1. The reasonable modification policy applies to passengers with disabilities for use of LCT's transit services.
2. The passenger with disabilities who desires a reasonable modification will be required to describe what he/she believes is needed to use the transit service.
3. Requests for reasonable modification do not have to be written; however, it is desirable that whenever possible, requests for reasonable modification will be made in advance.
4. The passenger does not need to use the term "reasonable modification".

Request for reasonable modifications of policies and practices can be denied due to one or more of the following reasons:

- Granting the request would fundamentally alter the nature of the transportation services, program or activities;
- Granting the request would create a direct threat to the health or safety;
- Without the requested modification, the individual with a disability is able to fully use the services, program or activities for their intended purpose;
- Request creates an undue financial and administrative burden.

### Process for Submitting a Request

Whenever possible, the individual who desires to request a reasonable modification should make the request in advance and allow LCT an opportunity to determine whether the request will be granted.

1. Requests may be initiated by:
  - Contracting LCT at 440-329-5525
  - Submit request in writing to: Lorain County Transit, 226 Middle Avenue, Elyria OH 44035
  - Email utilizing the Request for Reasonable Modification form found at [www.loraincounty.us/transit](http://www.loraincounty.us/transit)
2. LCT has designed the following individual to evaluate reasonable modification requests: Pamela Novak, Chief Finance Officer.
3. Initial request for reasonable modification will be addressed within 10 business days.

When requests for reasonable modification cannot be practicably made and determined in advance, a Dispatcher will make a timely determination so long as such actions do not result in a direct threat or fundamental alteration of services. The Dispatcher will immediately provide a written report to the General Manager. Such determinations are made on a non-precedent setting basis based upon the facts and circumstances unique to that request.

### Process for Submitted an Appeal

If the passenger disagrees with the initial determination, an appeal may be filed. A request for appeal form is available at [www.loraincounty.us/transit](http://www.loraincounty.us/transit). The form includes the procedure by which LCT processes and responds to appeal.