

**Baldwin Regional Area Transit System
AMERICAN WITH DISABILITIES ACT (ADA)
Reasonable Modification Policy**

1. Purpose

The purpose of the reasonable modification policy is to ensure that Baldwin Regional Area Transit System 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.

2. Policy

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

3. 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. Baldwin Regional Area Transit System 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 Baldwin Regional Area Transit System's service 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.

4. 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 a major life activity, a history of such impairment; or been regarded as having such impairment.

5. Requests for Reasonable Modifications

Baldwin Regional Area Transit System shall make information about how to contact Baldwin Regional Area Transit System to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines. Baldwin Regional Area Transit System shall follow the following procedures in processing reasonable modifications requests:

- a. Individuals requesting modifications shall describe what they need to utilize the service.
- b. Individuals requesting modifications are not required to use the term "reasonable modification" when making a request. Personnel at Baldwin Regional Area Transit System will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Baldwin Regional Area Transit System requests that individuals make such requests for modifications before Baldwin Regional Area Transit System is expected to provide the modified service.
- d. Where a request for modification cannot practically be made and determined in advance (e.g., because of a condition or barrier at the destination 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 Baldwin Regional Area Transit System's management before making a determination to grant or deny the request.
- e. Requests for accommodation may be made in writing using the attached form or orally if unable to communicate the request in writing or upon request. The reasonable accommodation process begins as soon as the request for accommodation is made.

- f. To request reasonable modifications based on a disability please use the Reasonable Modification Form shown on the next page, or contact Baldwin Regional Area Transit System's ADA Coordinator for assistance.

Director of Transportation & Accessibility
Coordinator Baldwin Regional Area Transit
System
251-972-6817
www.baldwincountyal.gov

6. Interactive Process

When a request for accommodation is made, Baldwin Regional Area Transit System 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 Baldwin Regional Area Transit System 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.

7. Time Frame for Processing Requests and Providing Reasonable Modification

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

8. Granting a Reasonable Modification Request

As soon as Baldwin Regional Area Transit System determines that a reasonable accommodation will be provided, that decision shall be communicated to the individual in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

9. Denying a Reasonable Modification Request

As soon as Baldwin Regional Area Transit System determines that a request for reasonable accommodation will be denied, Baldwin Regional Area Transit System 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 reason(s) 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 Baldwin Regional Area Transit System's decision on the request.

10. Complaint Process

This complaint process is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Baldwin Regional Area Transit System. Baldwin Regional Area Transit System's. Baldwin County Commission personnel policies govern employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews, phone calls, or a tape recording of the complaint may be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation.

Within 15 calendar days after receipt of the complaint, Director of Transportation or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Director of Transportation or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print or Braille. The response will explain the position of the Agency and offer options for substantive resolution of the complaint.

If more information is needed to resolve the complaint, Baldwin Regional Area Transit System may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Baldwin Regional Area Transit System.

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

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

- a. *Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint and explain what actions will be taken by Baldwin Regional Area Transit System to address the complaint.
- b. *Letter of Closure* – This letter will explain why Baldwin Regional Area Transit System has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the response by Director of Transportation or his/her designee does not satisfactorily resolve the issue, the complainant may appeal the decision within 15 calendar days after receipt of the response to the Director of Transportation or his/her designee. In the event of appeal, the complainant will be granted all due process, including the ability to present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

11. Designated Employee

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

Director of Transportation
Baldwin Regional Area Transit System
P.O. Box 907
Robertsdale, Alabama 36567
(251) 972-6817
ann.simpson@baldwincountyal.gov

12. Record Retention

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

13. Accommodation of Mobility Devices

Consistent with Department of Transportation regulations, Baldwin Regional Area Transit System will transport a mobility device with three or more wheels and its user so long as the lift can safely accommodate the size and weight of the mobility device and its user and space is adequate for the mobility device and passenger on the vehicle.

All the information involved with this process will be kept confidential.

ATTACHMENT A
ADA Reasonable Modification Request Form

Use this form to request a modification to current Baldwin Regional Area Transit System policies or procedures. Be specific and provide as much detailed information as possible. This will allow us to effectively process and evaluate your request. Before filling out this form please review Baldwin Regional Area Transit System's Americans with Disabilities Act (ADA) Request for Reasonable Modifications Procedures.

Please include the following items in your request:

- Based on a disability, why is the modification necessary?
- Provide a description of your limitation(s) and how it is affected by Baldwin Regional Area Transit System's policies/procedures.

Name: _____

Date: _____

Phone #: _____

Email address: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Best way to contact you via: Phone Email Mail
Other _____

Modification Request:

Please send to:

Contact Person Name
Ann Simpson
Director of Transportation & Accessibility Coordinator
Baldwin Regional Area Transit System
251-972-6817
www.baldwincountyal.gov

All the information involved with this process will be kept confidential.

ATTACHMENT B ADA Discrimination Complaint Form

Baldwin Regional Area Transit System ADA Discrimination Complaint Form

The Americans with Disabilities Act (ADA) prohibits discrimination based on condition or disability.

The requested information will assist us in processing your complaint. Please let us know if you require any assistance in completing this form.

Complete and return this form to: Director of Transportation, P.O. Box 907 Robertsdale, AL 36567

1. Complainant's Name:
2. Address:
3. City: State: Zip Code:
4. Telephone Number (home): (business):
5. Person discriminated against (if someone other than the complainant):
Name:
Address:
City: State: Zip Code:
6. What date did the alleged discrimination take place?
7. In your words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

8. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? Yes: No:

If yes, check each box that applies:

Federal agency Federal court State Agency
State court Local agency

9. Please provide information about a contact person at the agency/court where their complaint was filed.

Name:

Address:

City: State: Zip Code:

10. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant's Signature

Date