

Buncombe County Agenda Item Information Sheet

AGENDA ITEM: RESOLUTION ADOPTING POLICY GUIDELINES FOR THE REASONABLE MODIFICATION/ACCOMMODATION OF MOUNTAIN MOBILITY POLICIES, PROCEDURES, AND PRACTICES	
MEETING DATE: June 16, 2015	
REQUESTED BY: Jon Creighton, Assistant County Manager Denise Braine, Planner III	
Background information <p>The U.S. Department of Transportation revised its rules under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended, to require transportation providers to make reasonable modifications/accommodations to policies, practices, and procedures to ensure nondiscrimination and full accessibility to transportation programs and services. By July 13, 2015, public transportation providers are required to adopt appropriate guidelines for reasonable modification requests and provide for the prompt and equitable resolution of complaints (<i>49 CFR Part 37; 49 CFR Part 37</i>).</p> <p>The new regulation will have greater impacts on transit systems that operate fixed route and/or curb-to-curb services. Mountain Mobility provides door-to-door services and deviated fixed routes. These modes typically accommodate modifications on a regular basis due to the targeted populations served and the level and quality of services provided.</p> <p>There are four categories established under the federal guidelines where a request for reasonable modification may be denied:</p> <ol style="list-style-type: none"> 1. It would create a direct threat to the health or safety of others, whether driver or other passengers; 2. Granting the request would fundamentally change the nature of the transportation service; 3. Without the requested modification, the individual with a disability is able to fully utilize transportation services, programs, and activities for their intended purpose; and/or 4. The request would cause an undue financial and administrative burden. <p>Most modifications requested formally or informally will be accommodated as a general business practice. In cases where a request is made that is not typical or is outside of normal policies and procedures, this process will provide guidelines to promptly address those requests as well as document the requests and any complaints received.</p>	
Pro's <ul style="list-style-type: none"> • Ensures compliance with federal law by the required implementation date. • Ensures individuals with disabilities have full accessibility to programs and services offered by Mountain Mobility. 	Con's <ul style="list-style-type: none"> • May increase administrative processes and workload.

Funds required in current budget: \$0

Funds required in future budgets: \$0

Alternatives

None.

Action recommended:

Adopt the Resolution and Policy Guidelines for the Reasonable Modification/Accommodation of Mountain Mobility Policies, Procedures, and Practices, effective July 1, 2015.