



ADA ACCESSIBILITY POLICY AND PROCEDURES

1. Purpose

The policy is to ensure that the City of Woodburn offers equal access to the City's services, programs, and/or activities, for people with disabilities and maintains 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. Definitions

Alteration: A change to an existing facility, including, but not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems are not alterations unless they affect the usability of the building or facility.

Auxiliary aids and services:

- (1) Qualified interpreters, notetakers, transcription services, written materials, telephone headset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, closed and open captioning, text telephones (also known as telephone devices for the deaf, or TDDs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (2) Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (3) Acquisition or modification of equipment or devices; or
- (4) Other similar services or actions.

Direct threat: A significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, procedures, or by the provision of auxiliary aids or services.

Disability: A physical or mental impairment that substantially limits one or more major life activities of the individual, or a record of such an impairment, or being regarded as having such an impairment.

Facility: All or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Reasonable modification: A change or exception to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services, and activities. The City of Woodburn will make reasonable modifications to policies, practices and procedures when necessary to ensure access to services, programs, or activities for qualified individuals with disabilities, unless:

- Making the modification would fundamentally alter the nature of the service, program, or activity,
- Making the modification would create a direct threat to the health or safety of others involved, or
- The individual with a disability can fully use City of Woodburn's program, service, or facility without the modification being made.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, the City 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.

Service Animals: A dog (or in some cases a miniature horse) that is individually trained or is in training to do work or perform tasks for an individual with a physical or mental disability is a service animal. Service animals are allowed at public meetings. For DOT/FTA purposes, any animal that has been trained to provide a service to an individual with a disability is a service animal.

If there is a question about whether a dog is a service animal, only two questions may be asked:

- 1) Is the animal required because of a disability; and
- 2) What work or task has the animal been trained to perform?

No other inquiries are allowed. A Service Animal may be removed if:

- 1) The animal is out of control and the animal's handler does not take effective action to control it; or
- 2) The animal is not housebroken.

If a service animal is properly excluded for one of the two reasons outlined above, the City will give the individual with a disability the opportunity to obtain programs, services and activities without having the service animal on the premises. If the service animal is excluded, the individual with a disability

may continue to access the programs, services, and activities, including the opportunity to seek a reasonable modification to access those programs, services, and activities.

Undue Burden: A significant difficulty or expense that would result from providing modification or service to people with disabilities. When determining if modification would be an undue burden, a number of factors are considered, including the overall cost of the modification; the City's overall financial resources and the resources available to fund the program or service; the impact on the City's operations and expenses; the size of staff; and legitimate safety requirements.

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3. Policy

City of Woodburn 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. The City 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 shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination based on disability or to provide program accessibility to their services, unless making such modifications would fundamentally alter the nature of the service, would result in undue financial and administrative burdens, or create a direct threat to the health or safety of others.

The City does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any program, service, or activity and the City will take appropriate steps to ensure that people with disabilities have an equal opportunity to participate. The City shall not require that an individual with disabilities be accompanied by an attendant. The City shall not consign an individual with disabilities to a separate, service for such persons, if the individual can in fact use the service for the general public. This is true even if the individual takes longer, or has more difficulty, than other people in using the service for the general public. The City shall not deny service or place conditions on service because of insurance company policies and requirements.

It is not discrimination for the City to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, the City shall not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons. The City also provides reasonable modifications to qualified employees with a disability who request reasonable modifications under Title I which is covered under another policy.

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4. Procedures

A. Mandatory Notice:

All program, activity, event or meeting announcements and/or agendas (paper or online) will contain the following note in English and Spanish:

Individuals needing special modifications such as sign language, foreign language interpreters, or equipment for the hearing impaired, must request such services at least 48 hours prior to the meeting. To request such an modification or interpretation, contact _____ at (503) xxx-xxxx, or Statewide Toll Free Relay (800) 735-1232.

Las personas que necesiten modificacion tal como lenguaje de señas, intérprete de idioma extranjero, o equipos para personas con impedimentos auditivos; deberán solicitar dichos servicios con anticipación. Y se les pide entregar su solicitud con un mínimo de 48 horas, antes de la reunión. Para solicitar tal arreglo o interpretación, comuníquese con _____ al (503) xxx-xxxx, o a la línea gratuita del Servicio de transmisión de mensajes, (800) 735-1232.

If for space considerations, there is not adequate room in the brochure or flyer, the following language may be used in English and Spanish:

650

If you need special modification, please contact (503) xxx-xxxx, or Statewide Toll Free Relay (800) 735-1232, at least 48 hours prior to the meeting.

Si usted necesita modificacion especial, comuníquese al (503) xxx-xxxx o a la línea gratuita del Servicio de transmisión de mensajes, (800) 735-1232, con un mínimo de 48 horas, antes de la reunión.

B. Auxiliary Aids and Services:

The City shall furnish appropriate auxiliary aids and services where necessary to afford people with disabilities, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. These include but are not limited to: Sign language interpreters; audio tapes; computer diskettes; large print; real time transcription; and assistive listening devices. Individuals with service animals are welcomed in the City of Woodburn offices, even where pets are generally prohibited.

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, the City shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

The City shall not require an individual with a disability to bring another individual to interpret for them.

The City shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communication except

(i) In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or

(ii) Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.

(3) The City shall not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

Any flyers or brochures announcing services, programs or activities shall have the following note in English and Spanish:

To receive this material in accessible formats, such as Braille, large format print, or in an alternative language, contact (503) xxx-xxxx.

Para recibir este material en otros formatos más accesibles, como el Braille, letras más grandes o en diferente lenguaje, favor de marcar el (503) xxx-xxxx.

C. Public Transit and Paratransit Services:

Transit accessibility modifications that make public transportation accessible to individuals with disabilities may include ramps, lifts, changes in stop locations, designated seating areas, complementary (non-fixed route) bus systems. The City shall not require an individual with a disability to use designated priority seats. The City shall not require people with disabilities to wear seat belts or shoulder harnesses when other riders on the same vehicle are not also required to do the same. The City shall not require adults to accompany children under a certain age to use complementary transit service without having the same age requirement to ride the fixed route system. The City shall not prohibit people with a disability from serving as a personal care attendant (PCA) for another rider with a disability. Common examples of reasonable modification requests in fixed-route transportation include positioning the bus for loading and unloading in a location where there are no obstructions, such as construction and allowing a person with diabetes to eat on the bus to avoid a drop in glucose.

Riders must provide a clear description of the modification needed to use the transportation service (for example, relocating a bus stop to the next block if the current location is inaccessible). If the request lacks the requisite detail, the requestor may be contacted for additional information. Request may be administratively closed if the requestor cannot provide the requested information or if the requestor no longer wishes to pursue their request. Once a proper request is received, the Transit Authority will determine if it has authority and jurisdiction to consider the request. The requestor will receive acknowledgement of the request within ten (10) business days and should be informed of any portion of the request where the City does not have authority to act. Transit Authority will summarize the results of its decision and provide a response to the requestor within thirty (30) days of receipt of the complete request. The response will include the original request, a summary of relevant analysis, and the Transit

Authority's final determination along with the right to appeal and process for doing so. The final determination will be issued in an accessible form of communication and may include the issuance of a card for the requestor that can be displayed to mitigate confusion (e.g. to show to drivers, supervisors, police, etc.). Should a request be denied, in whole or in part, Transit Authority will recommend any pertinent alternative modifications to the requestor.

Riders must also make the modification request as far in advance as possible, particularly when there is a long-term problem. For example, there is no accessible bus stop, the ramp to the passenger's front door is too steep to be picked up at the front, construction blocks the regular route, etc. Advance requests can be made at any time during the eligibility determination, reservation, or complaint process. Where a request cannot practicably be made and determined in advance, operating personnel may determine whether a modification can be reasonably and safely provided to the public at the time of the request. Staff may consult with the management before making a determination to grant or deny the request.

Paratransit services: Disability alone does not determine paratransit eligibility; the decision is based on the applicant's functional ability to use the fixed route bus and is not a medical decision. The City shall provide paratransit service to visitors who present documentation that they are ADA paratransit eligible in the jurisdiction in which they reside. If a visitor with a disability does not present such documentation, the City may require documentation of the individual's place of residence and of their disability, if the disability is not apparent. The City is not required to provide service to a visitor for more than 21 non-consecutive days during any 365-day period; after that, the visitor may be required to apply for eligibility through the same processes established for residents. Common examples of reasonable modification requests in paratransit include picking a rider up at a building entrance that is flat and unobstructed or helping an individual who is blind get to the front of the building in extreme weather. A passenger's request for an exclusive paratransit trip may be denied as a fundamental alteration of the entity's services. Paratransit is by nature a shared-ride service.

When a lift is discovered to be inoperative, the City shall take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service. However, if there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service the City is able to provide, the City may keep a vehicle with an inoperable lift in service for no more than five days from the day on which the lift is discovered to be inoperative.

A personal care attendant may be required, as a condition of providing service and as permitted under the law, if the City legitimately refuses service to a person due rider conduct that is violent, seriously disruptive, or illegal.

The City shall not provide a modification if the modification:

1. Causes a direct threat to the health or safety of others. For example, when assisting a passenger means leaving the transit vehicle unattended in a high traffic area, that could likely result in a collision and endanger the safety of the other passengers.
2. Results in a fundamental alteration of the service. For example, if an individual requests the driver of a fixed-route service to stop at a location that is not on the schedule, this is a fundamental alteration to fixed-route service.
3. Is unnecessary for the individual with the disability to receive services. For example, a passengers ask to sit in the same seat every time because of a personal preference.

4. Results in an undue financial or administrative burden to the transit agency.

An individual who requests a specific driver for a paratransit trip may be denied this request because this would cause an administrative burden. A person's request for fixed route or paratransit service may be denied when honoring the request would require the transportation provider to travel outside of its service area or to operate outside of its operating hours. This request would not be a reasonable modification because it would constitute a fundamental alteration of the entity's service.

D. Requests:

To request a modification, alternative format of communication, and/or modification of policies and procedures in order to access and benefit from a program, service, meeting and activity, the individual must submit a request for reasonable modification. If an individual submits a request for reasonable modification less than two business days before the program, service or meeting, but the modification can still be made before beginning time, staff will make good faith efforts to provide the accommodation.

Requests for modification may be made either orally or in writing. 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 people with disabilities if unable to communicate their request in writing or upon request.

Individuals requesting modifications shall describe what they need in order to use the service, program or activity. Individuals requesting modifications are not required to use the term "reasonable modification" when making a request.

Where a request for modification cannot practicably be made and determined in advance, personnel shall make a determination of whether the modification should be provided at the time of the request. Staff may consult with the management before making a determination to grant or deny the request.

The City will process requests for reasonable modification and then provide modifications, where appropriate, in as short a time frame as reasonably possible. However, the time necessary to process a request will depend on the nature of the modification(s) requested and whether it is necessary to obtain supporting information.

As soon as the City determines that a reasonable modification 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.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. An interactive discussion with the individual making the request is encouraged when clarification regarding the type of alternative format to be provided is needed. The expressed choice of the individual with a disability will be given primary consideration unless the City can demonstrate that another effective means of modification exists.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

The resolution of any specific modification requires consideration and balancing of circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue, and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an modification would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the City. Accordingly, the resolution by the City of any one complaint does not constitute a precedent upon which the City is bound, or upon which other complaining parties may rely.

As soon as the City determines that a request for reasonable modification will be denied, the City 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 modification that may create the same access to the services, programs, or activities, as requested by the individual; and
- c. The opportunity to file a complaint relative to the City's decision on the request.

5. Grievance Process

The City of Woodburn has adopted a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. These procedures shall be posted on the City's website and will be provided to any individual when the City has denied a request for modification. The process and any forms necessary to file a complaint are readily available on the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for people with disabilities if unable to communicate their request in writing or upon request.

Any person who believes that he or she, or any other program beneficiary, has been subjected to unequal treatment or discrimination in the receipt of benefits or services from the City because of a person's disability may file a complaint with the City's ADA Coordinator. *The ADA Title II and Title VI Complaint Form* is available on the City's website.

Paratransit appeals may be made to City's ADA Coordinator within 60 days of the denial of an application for services to obtain a review of the denial. The appeal process shall include an opportunity for the applicant to be heard and to present information and arguments. Decision regarding the appeal shall be made by the ADA coordinator and not by anyone who was involved in the initial decision to deny eligibility. The City shall provide the individual with written notification of its decision and the reasons for it within 30 days of the appeal. The City is not required to provide paratransit service while the appeal is under consideration; however, if a decision has not been made within 30 days of the completion of the appeal process, the City must provide paratransit service from that time until and unless a decision to deny the appeal is issued. Individuals also have a right to appeal by contacting the Federal Transit Administration at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington DC 20590 or by visiting <http://www.fta.dot.gov>. The State of

Oregon is in FTA Region Ten (10) and includes Alaska, Idaho, Oregon and Washington. That Regional Office can be contacted at 915 Second Avenue, Suite 3142, Seattle, WA 98174 or by calling 206-220-7954.

ADA Coordinator
City of Woodburn
270 Montgomery St.
Woodburn, Oregon 97071
Phone: 503-982-5231
Fax: 503-982-2376
adacoordinator@ci.woodburn.or.us

A complaint should be filed within 180 calendar days after the complainant becomes aware of the alleged violation, or denial of an application for paratransit service. Once the complaint is received, the complainant will receive an acknowledgement of receipt. The ADA Coordinator shall investigate, as may be appropriate, and issue a written determination and resolution within 30 days of the complaint's submittal. If more information is needed to resolve the complaint, the ADA Coordinator may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to the City. If the City is not contacted by the complainant or does not receive additional information within 30 business days, the ADA Coordinator may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case, or the complaint is not within the scope of this policy.

After the ADA Coordinator investigates the complaint, a decision will be made in writing to the complainant. The City 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 explains what actions will be taken by the City to address the complaint.
- b. Letter of Closure – This letter will explain why the City has determined that the complaint does not merit modification under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of the City, an opportunity to appeal the decision may be pursued, provided the complaint files notice of appeal within 21 days of the initial decision of the City by bringing the appeal to the City Administrator. The City Administrator shall review the investigation materials and consider the complainant's concerns prior to making a final determination.

The right of a person to a prompt and equitable resolution of the complaint filed, hereunder, shall not be impaired by the person's pursuit of other remedies, such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

These procedures shall be construed to protect the substantive rights of interested people to meet the appropriate due process standards, and to ensure that the City of Woodburn complies with the ADA and implementing regulations.

6. Records Retention

The City will maintain all records related to reasonable modification requests and denials for at least three (3) years. ADA complaints will be retained for one (1) year and a summary of all ADA complaints will be retained for five (5) years. The ADA Coordinator shall maintain the files and records of the City of Woodburn relating to the complaints as required under the ADA and the City Records Retention Schedule.

All decisions shall be sent by regular mail to the complainant within 30 calendar days of the date the complaint is made to the ADA Coordinator, or an appeal made to the City Administrator and shall be retained in the program file. Other forms of notification may be provided upon request.

The ADA Coordinator may modify this grievance and appeal process in order to assure equal access to programs, services and activities for people with disabilities.

This grievance process is not meant to be used for any personnel, EEO, or labor agreement grievance procedure for the City of Woodburn. Contact the City Human Resources Department for further information regarding Title I grievances.

7. Designated Employees

Each Department shall designate one official within the department/division responsible for processing reasonable modification requests. The phone number to reach this person shall be specified in each program, activity, event or meeting announcements per 4.A above.

8. References

Americans with Disabilities Act, 1990

[American with Disabilities Act as Amended, 2008](#)

[Section 504 of the Rehabilitation Act of 1973, as amended](#)

[Department of Transportation Federal Transit Administration, 49 CFR Parts 27,37 and Appendix E to Part 37—Reasonable Modification Requests](#)

9. Forms

HR-ADA/07 ADA Title II and Title VI Complaint Form

10. Review of Policy and Procedures

This policy will be reviewed every three years or as state and federal regulations are revised and necessitate a change in the policy or procedures.

Adopted: July 2017

Revised: November 2020

Revised: December 2024