

# Texarkana Urban Transit District



## ADA COMPLAINT PROCEDURES

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This section outlines ADA complaint procedures related to providing programs, services and benefits. However, it does not deny the complainant the right to file formal complaints with the Texas Human Relations Commission, Equal Employment Opportunity Commission and the Federal Transit Administration, or seek private counsel for complaints alleging discrimination, intimidation or retaliation of any kind that is prohibited by law.

Individuals may file an Americans with Disabilities Act complaint alleging disability discrimination against a State or local government or a public accommodation.

### GENERAL

Any person who believes that he or she, individually, or as a member of a specific class of persons, has been subjected to discrimination on the basis of disability as noted below may file a written complaint with the ADA Coordinator, 1402 Texas Blvd, Texarkana, TX 75501. Complainants have the right to complain directly to the appropriate federal agency. Every effort will be made to obtain early resolution of complaints. The option of informal meeting(s) between the affected parties and the ADA Coordinator may be utilized for resolutions. The Coordinator of the ADA will notify TUTD's Public Transportation Manager of all ADA related complaints, as well as all resolutions.

### PROCEDURE

1. The complaint must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s). In cases where Complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The ADA Coordinator will interview the Complainant and assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the Complainant or his/her representative.
  - b. Include the date of the alleged act of discrimination date when the Complainants became aware of the alleged act of discrimination; or the date on which that conduct was discontinued or the latest instance of conduct.
  - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint.
  - d. Federal and state law requires complaints be filed within 180 calendar days of the alleged incident.

2. Upon receipt of the complaint, the ADA Coordinator will determine its jurisdiction, acceptability, need for additional information, as well as, investigate the merit of the complaint.
3. The Complainant will be provided with a written acknowledgment that TUTD has either accepted or rejected the complaint.
4. A complaint must meet the following criteria for acceptance:
  - a. The Complaint must be filed within 180 days of the alleged occurrence.
  - b. The allegation must involve a covered basis such as mental and/or physical disabilities.
  - c. The allegation must involve a TUTD service of a Federal-aid recipient, sub-recipient or contractor.
5. A complaint may be dismissed for the following reasons:
  - a. The Complainant requests the withdrawal of the complaint.
  - b. The Complainant fails to respond to the repeated requests for additional information needed to process the complaint.
  - c. The Complainant can not be located after reasonable attempts.
6. Once TUTD's ADA Coordinator decides to accept the complaint for investigation, the Complainant will be notified in writing of the course taken. The complaint will receive a case number and will then be logged in a database identifying: Complainant's name, basis, alleged harm, race, color and national origin.
7. In cases where TUTD's ADA Coordinator assumes the investigation of the complaint, within 90 calendar days of the acceptance of the complaint, TUTD's ADA Coordinator will prepare an investigation report for review by the Public Transportation Manager. The report shall include a narrative description of the incident, identification of person's interviewed, findings and recommendations for disposition.
8. The investigative report and its findings will be reviewed by the Public Transportation Manager and in some cases the investigative report findings will be reviewed by TUTD's Legal Counsel. The report will be modified as needed.
9. The Public Transportation Manager and Legal Counsel will make a determination on the disposition of the complaint. Dispositions will be stated as follows:
  - a. In the event TUTD is in noncompliance with ADA regulations, remedial actions will be listed.
10. Notice of the Public Transportation Manager's determination will be mailed to the Complainant. Notice shall include information regarding appeal rights of the Complainant and instructions for initiating such an appeal. Notice of appeals are as follows:
  - a. TUTD will reconsider this determination, if new facts come to light.
  - b. If Complainant is dissatisfied with the determination and/or resolution set forth by TUTD, the same complaint may be submitted to the FTA for

investigation. Complainant will be advised to contact the US Department of Justice, Civil Rights Division, 950 Pennsylvania Avenue, NW Disability Rights-NYAV, Washington, D.C. 20530

11. A copy of the complaint and TUTD's investigation report/letter of finding and Final Remedial Action Plan, if appropriate, will be issued to the FTA within 120 days of the receipt of the complaint.
12. A summary of the complaint and its resolution will be included as part of the ADA updates to the FTA.

Complaint Forms can be obtained from the Texarkana Urban Transit Center Transit Station, located at, 1402 Texas Blvd, Texarkana, TX 75501. You can also obtain a complaint form from our website: [www.t-linebus.org](http://www.t-linebus.org). Select the Disadvantaged Business Enterprise & Title VI Information link.

Texarkana Urban Transit District will notify TxDOT within 10 working days of any complaints filed with them.

Complaints can also be directly filed with the following agencies:

Texas Department of Transportation  
ATTN: TxDOT-PTN  
125 E. St  
Austin, TX 78701-2483

Federal Transit Administration Region 6 Office  
819 Taylor St, Room 8A36  
Fort Worth, TX 76102

U.S. Department of Transportation Office of Civil Rights  
1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

U.S. Secretary of Transportation  
1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

## **RECORDKEEPING REQUIREMENT**

The Public Transportation Manager will ensure that all records relating to TUTD's ADA Complaint Process are maintained with department records.

Records will be available for compliance review audits.