

Duluth Transit Authority

Grievance Procedure under The Americans with Disabilities Act/Rehabilitation Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA") and the Rehabilitation Act of 1973 ("Rehabilitation Act"). 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 Duluth Transit Authority ("DTA"). This Grievance Procedure does not explain the process for 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 or a tape recording of the complaint, will be made available as a reasonable modification for persons with disabilities upon request. Please contact the ADA Coordinator or their designee to request a reasonable modification of this grievance procedure.

The complaint should be submitted by the complainant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Aleda Johnson, ADA Coordinator
Duluth Transit Authority
2402 W Michigan St, Duluth MN 55806
aac@duluthtransit.com
218-623-4307

The ADA Coordinator or their designee will promptly confirm receipt of the complaint and provide suggested times to discuss the complaint and possible resolutions with the complainant. The suggested times provided by the ADA Coordinator or their designee will fall within 15 calendar days of receipt of the complaint. Within 15 calendar days of discussing the complaint and possible resolutions with the complainant, the ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. This written response will take one of two forms:

- ***Substantive Written Response:*** If DTA has been able to gather sufficient information, the written response will explain the position of the DTA and offer options for substantive resolution of the complaint.
- ***Interim Written Response:*** DTA will provide for prompt and equitable resolution of complaints alleging violations of the ADA and/or Rehabilitation Act. Sometimes, equitable resolution of a complaint will require investigation that takes more time. If DTA has not been able to gather sufficient information within 15 calendar days of contacting the complainant, the written response will explain what additional information DTA is still attempting to gather and will provide an estimate of the time it will take for the DTA to provide a substantive written response explaining its position. When an interim written response is provided, DTA will promptly follow up at a later date with a substantive written response explaining the position of DTA and offering options for substantive resolution of the complaint.

Appeal of substantive written response: If the substantive written response by the ADA Coordinator or their designee explaining the position of DTA and offering options for substantive resolution of the complaint does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision. Appeals must be received by DTA no later than 18 calendar days of the date the substantive written response was mailed, e-mailed, or faxed. Appeals will be heard by the DTA Assistant Commissioner of Operations, or their designee. Appeal requests must be mailed to:

**General Manager
ATTN: ADA Appeal
Duluth Transit Authority
2402 W Michigan St, Duluth MN 55806**

Alternative means of making an appeal request, such as a phone call, personal interview, or a tape recording, will be made available as a reasonable modification upon request.

Within 15 calendar days after receipt of the appeal, the DTA General Manager or his/her designee will contact the complainant to discuss the appeal request and possible resolutions. Within 15 calendar days after the DTA General Manager or their designee contacts the complainant, they will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint. In the event that General Manager becomes involved in DTA's decision-making process prior to the appeal, the appeal will be heard by a DTA Accessibility Advisory Committee.

Retention of Records: All written complaints, appeals, and responses will be retained by DTA for at least seven years after the date of the last correspondence in the file.

How do I submit a complaint regarding a public transit agency's failure to comply with Americans with Disabilities Act (ADA) regulations?

Department of Transportation (DOT) regulations implementing the Americans with Disabilities Act (ADA) require transit agencies to have a complaint process. If you believe an ADA violation has occurred, we encourage riders to first file a complaint or otherwise communicate with their local transit agency to give them an opportunity to resolve the situation. If you find the transit agency to be unresponsive, after waiting a reasonable amount of time for a resolution, you may decide to file a complaint with the Federal Transit Administration's (FTA) Office of Civil Rights. The Office of Civil Rights is responsible for ensuring that providers of public transportation comply with ADA requirements. A complaint should contain enough details for an investigator to understand why a complainant believes a transit agency violated the ADA and include specifics such as dates, times, and route numbers of incidents, along with any related correspondence from the transit agency. The Office's enforcement priority is on repeated issues—not one-time operational breakdowns—so it may be important depending on the nature of the complaint allegations to keep a log of incidents, again with dates and times, to submit with the complaint. If you have questions about the types of complaints the Office of Civil Rights can process or on how to prepare a complaint, the Office can be reached directly at FTA.ADAAssistance@dot.gov or 1-888-446-4511.