CHEMUNG COUNTY TRANSIT SYSTEM/CTRAN

ADA COMPLAINT PROCEDURES

This section outlines the Chemung County Transit System/CTRAN Americans with Disability Act (ADA) complaint procedures related to providing programs, services, and benefits. It does not deny the complainant the right to file formal complaints with the Federal Transit Administration, or to seek private counsel for complaints alleging discrimination.

GENERAL

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been, as a result of transit services provided by CTRAN, subjected to discrimination on the basis of disability may file a written complaint with the CTRAN ADA Coordinator, Angela Wood, Transit Specialist, Chemung County Planning Department, 400 East Church Street, Elmira, New York 14901. Any, and all, that are ADA complaints received directly by the private transit operator under contract with Chemung County, and not clearly also sent to the CTRAN ADA Coordinator, shall be forwarded to the CTRAN ADA Coordinator within three days of receipt. Complainants have the right to file a complaint directly with the appropriate federal agency, (the Federal Transit Administration) within 180 days. Every effort will be made to obtain early resolution of complaints. The option of informal meeting(s) between the affected parties and the CTRAN ADA Coordinator may be utilized for resolutions. For all ADA complaints he\she receives, the CTRAN ADA Coordinator will notify the Chemung County Deputy County Executive (and Chemung County Transit Board Chair) and the Chemung County Transit System General 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 CTRAN 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 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 CTRAN ADA Coordinator will determine the jurisdiction, acceptability, need for additional information.

3. The Complainant will be provided within ten working days of receipt of the complaint a written acknowledgement that Chemung County has received the complaint and how the complaint will be addressed. The acknowledgement may also include whether the complaint has been either accepted or rejected, and a copy of such acknowledgement shall be forwarded to the County Attorney.

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.

c. The allegation must involve a Chemung County transit service or 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 repeated requests for additional information needed to process the complaint.

c. The Complainant cannot be located after reasonable attempts.

d. The complaint does not involve discrimination in providing transit service on the basis of the complainant’s handicap.

6. Once the CTRAN ADA Coordinator decides to accept the complaint for investigation, the Complainant will be notified in writing of such determination. The complaint will receive a case number and will then be logged in a database identifying: Complainant's name, contact information, and the nature of the alleged discrimination.

7. In cases where CTRAN ADA Coordinator assumes the investigation of the complaint, within 90 calendar days of the acceptance of the complaint, CTRAN ADA Coordinator will prepare an investigative report for review by the Deputy County Executive, with a copy to be provided to the Chemung County Attorney. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

8. The investigative report and its findings will be reviewed by the Deputy County Executive, in consultation with the Chemung County Attorney (which may or may not be done in the sole discretion of the Deputy County Executive). The report will be modified as needed.

9. The Deputy County Executive/County Attorney will make a determination on the disposition of the complaint. In the event Chemung County is in noncompliance with ADA regulations, remedial actions will be listed in the notice of determination.

10. Notice of Deputy County Executive's determination will be mailed to the Complainant. The notice shall include information regarding appeal rights of Complainant and instructions for initiating such an appeal. The basis for Appeals are as follows:

1. Chemung County will reconsider this determination, if new facts come to light.
2. If Complainant is dissatisfied with the determination and/or resolution set forth by Chemung County, the same complaint may be submitted to the FTA for investigation. Complainant will be advised to contact the Federal Transit Administration, Region II Office of Civil Rights, One Bowling Green, Room 429, New York, NY 1004-1415, (212) 668-2170.

11. A copy of the complaint and Chemung County's investigation report/letter of finding and Final Remedial Action Plan, if appropriate, will be issued to 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 any ADA program and procedures updates to the FTA.

RECORDKEEPING REQUIREMENT

The CTRAN ADA Coordinator, in cooperation with the County’s private transit operator General Manager, will ensure that all records relating to CTRAN ADA Complaint Process are maintained with County department records for a minimum of one year. A summary of ADA complaints received will be prepared annually and a minimum of five years’ summaries shall be maintained by the County’s private transit operator, and shall be accessible by the CTRAN ADA Coordinator. Records will be available to FTA for compliance reviews or audits.