

PUBLIC NOTICE OF ADA COMPLAINT FILING PROCESS



Bay Metro Transits ADA Complaint Process

Bay Metro Transit Authority (BMTA) grants all citizens equal access to all its transportation services. It is further the intent of BMTA that all citizens be aware of their rights to such access. This site is designed to serve as an educational tool for citizens so that they may understand one of the civil rights laws that protects their benefit of BMTA programs and services, specifically, as it relates to Americans with Disabilities Act (ADA) of 1990.

BMTA's Complaint and Investigation Procedures

These procedures cover all complaints filed under Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by the BMTA.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the BMTA may be utilized for resolution. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited under Americans with Disabilities Act of 1990 may file a complaint.

The following measures will be taken to resolve ADA complaints:

1. A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainants' name, address and telephone number; name of alleged discriminating official; and the date of the alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.
2. BMTA strongly encourages the use of the complaint form in this web site when filing discrimination complaints with BMTA.
3. The preferred method is to file your complaint in writing using the BMTA complaint form, and sending it to: ADA Coordinator, Bay Metro Transit Authority, 1510 N. Johnson Street, Bay City, MI 48708

In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the BMTA ADA Coordinator. Under these circumstances, the complainant will be interviewed, and the BMTA ADA Coordinator will assist the Complainant in converting the verbal allegations to writing.

When a complaint is received, the ADA Coordinator will provide written acknowledgment to the Complainant, within ten (10) days by registered mail.

If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.

Within 15 business days from receipt of a complete complaint, the BMTA will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the General Manager or his/her authorized designee will notify the Complainant by registered mail, informing them of the disposition.

- a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
- b. If the complaint is to be investigated, the notification shall state the grounds of the BMTA's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.

When the BMTA does not have sufficient jurisdiction, the General Manger or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.

If the complaint has investigative merit, the General Manger or his/her authorized designee will instruct the ADA Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the General Manager within 60 days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the ADA Coordinator will notify the appropriate authorities, and an extension will be requested.

The General Manger or his/her authorized designee will issue letters of finding to the Complainant within 90 days from receipt of the complaint, unless an extension has been granted.

A complainant has a right to report his/her complaint to the Federal Transit Administration within 180 days of the alleged incident, regardless of whether he/she is satisfied with the BMTA's resolution of the complaint. He/she can file a complaint with the: U.S. Department of Transportation, Federal Transit Administration, 200 West Adams Street, Suite 320, Chicago, IL 60606-5253