

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

TRANSPORTATION-ADOPT AMERICANS WITH DISABILITY ACT (ADA) POLICY

WHEREAS, the revised Americans with Disability Act (ADA) Policy has been approved by MDOT.

THEREFORE BE IT RESOLVED, the Board hereby approves the Transportation Americans with Disability Act Policy, as attached, effective immediately.



ALLEGAN COUNTY
REQUEST FOR ACTION FORM

RFA#: 207941

Date: 11/29/2021

Request Type Routine Items Select a Request Type to reveal and complete required form.
 Department Requesting Transportation
 Submitted By Dan Wedge, Executive Director of Services
 Contact Information Dan Wedge Ext. 2902

Description

Request from the Executive Director of Services, for the Allegan County Board of Commissioners to adopt the revised Allegan County Transportation American Disability Act (ADA) Policy, see attached ADA policy.

This ADA policy is required by Federal Transit Administration (FTA) and the Michigan Department of Transportation (MDOT). The policy was developed by following the format requested by MDOT and has been submitted and approved by MDOT pending Board Adoption. See the attached MDOT approval letter.

The current policy has a required change on page 6, first bullet. "File a written complaint with the Allegan County Transportation ADA Coordinator as soon as possible, but no later than 180 calendar days after the alleged violation. (a changed from 60 days to 180 days)

Allegan County Transportation (ACT) is committed to providing safe and reliable transportation to all people without discrimination based on disabilities.

ALLEGAN COUNTY POLICY



TITLE: Americans with Disability Act (ADA)
CATEGORY: Procedure & Guidelines
POLICY NUMBER: OP-002
SCOPE OF AUTHORITY: Service Area

APPROVED BY: Allegan County Board of Commissioners

EFFECTIVE DATE: August 13, 2015
LAST REVISED DATE: **December 9, 2021**
LAST REVIEWED DATE: **November 02, 2021**

TYPE OF ACTION: Michigan Department of Transportation (MDOT)/Federal Transit Administration (FTA) Compliance

1. PURPOSE:

To ensure that citizens with disabilities are afforded the same rights and privileges as non-disabled people. This policy is developed in accordance with Title II and III of the Americans with Disability Act of 1990.

2. SERVICE AREA(s) AFFECTED:

Allegan County Transportation Services.

3. DEFINITIONS:

- 3.1 Americans with Disability Act – ADA: Legislation passed in 1990 that prohibits discrimination against people with disabilities.
- 3.2 Michigan Department of Transportation – MDOT: A constitutional government agency in the US of Michigan.
- 3.3 Federal Transit Administration – FTA: An agency within the United States Department of Transportation (DOT) that provides financial and technical assistance to local public transportation systems.
- 3.4 Allegan County Transportation – ACT: A County service area focused on meeting the strategic transportation needs of our citizens.

4. POLICY:

Allegan County Transportation is committed to complying with the provisions outlined in the Americans with Disabilities Act regarding barrier free access to all County programs and County services and activities.

Title II of the Americans with Disabilities Act ("ADA") prohibits discrimination against individuals with disabilities by public entities in the operation of all services and programs offered by the entity. It is the policy of Allegan County that all facilities, programs, and services be accessible to and usable by disabled individuals, unless providing access results in an undue hardship to the County or causes a fundamental alteration of the programs or services. It is also the County's policy that members of the public not experience discrimination or harassment based upon disability. All complaints of discrimination on the basis of disability will be promptly investigated. When appropriate, effective remedial action

will be taken to address and remedy any complaints

5. RESPONSIBILITIES:

If Allegan County Transportation receives a complaint regarding discrimination against an individual under the ADA, ACT will respond within 30-days of receiving the complaint and will work to resolve the issue with the complainant as quickly as possible. This may involve legal assistance and/or mediation. ACT will document all of the process including the resolution and will **notify the MDOT project manager** of the complaint and the resolution. ACT will keep the complaint and all related documents on file for at least one year. ACT will keep a summary of all complaints filed for at least five years. Records will be made available to MDOT upon request. The attached flyer will be posted in all public buses and facilities. (See Appendix B)

5.1 COMPLAINT PROCEDURE

Allegan County Transportation encourages members of the public with complaints regarding access to a facility, program, or service to attempt to informally resolve those complaints with the individual department providing the facility, program, or service. Please contact the ADA Coordinator as shown in Appendix A.

In the event a complaint cannot be resolved informally, a complaint regarding access to County programs, services, or activities may be filed in writing or on an Allegan County Complaint Form. (See Appendix A)

5.2 FILING A COMPLAINT BY EMAIL

Include all of the information found on Appendix A, either in the body of the email or include Appendix A. Attach any relevant documents to your email. Send your complaint to transportation@allegancounty.org. You will receive a reply email confirming that your complaint has been received within 48 business hours. Please keep a copy of your complaint and the reply email for your records. If you do not receive a reply email, please contact Allegan County Transportation at 269-686-4529.

5.3 AFTER COMPLAINT IS RECEIVED

After a complaint is received, ACT will inform you of its action, which may include:

- Contacting you for additional information or copies of relevant documents;
- Working with you to resolve the issue;
- Referring your complaint for possible resolution through the ADA Mediation Program; or
- Referring your complaint to another federal agency with responsibility for the types of issues you have raised.

5.4 DETERMINING STATUS OF COMPLAINT

Allegan County Transportation will review each complaint carefully. If you have not heard from ACT within three weeks, please contact us at 269-686-4529.

6. REFERENCES:

The Americans with Disabilities Act was signed into law on July 26, 1990 and became effective July 26, 1992. The purpose of the ADA is to ensure that people with disabilities are afforded the same rights and privileges as non-disabled people.

The ADA prohibits discrimination on the basis of disability in employment, state and local government services, and public accommodation and commercial facilities.

7. APPENDICES:

- A. Allegan County ADA Complaint Form
- B. Procedure to File a Complaint under the Americans with Disabilities Act (ADA).

APPENDIX A

**Allegan County ADA
Complaint Form**

Instructions: Please fill out this form completely. Sign and mail, fax, or email to:

ADA Coordinator Contact information

ADA Coordinator
Allegan County Transportation
750 Airway Drive
Allegan, MI 49010
(269) 686-4529
FAX (269) 673-2190
transportation@allegancounty.org

Complainant: _____

Address: _____

City, State and Zip Code: _____

Telephone: Home: _____

Business: _____

Person Discriminated Against: _____
(if other than the complainant)

Address: _____

City, State and Zip Code: _____

Telephone: Home: _____

Business: _____

When did the discrimination occur? Date: _____

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated:

Signature: _____

Date: _____

APPENDIX B

To be displayed in all public buses and facilities

Procedure to File a Complaint Under the Americans with Disabilities Act (ADA)

If you believe you, or another person has been discriminated against under Title II or III of the Americans with Disability Act of 1990 by **Allegan County Transportation** or an employee of Allegan County Transportation, you can file a complaint by mail, fax, or email at:

ADA Coordinator
Allegan County Transportation
750 Airway Drive
Allegan, MI 49010
(269) 686-4529
FAX (269) 673-2190
transportation@allegancounty.org

Take the first step: Before filing your complaint, you may contact the Allegan County Transportation ADA Coordinator to discuss your concerns. The ADA Coordinator can look into the issue and try to come up with an acceptable resolution to the situation. If you would like additional information you may contact Allegan County Transportation ADA Coordinator.

You can file a complaint against Allegan County Transportation using the following procedures:

- File a written complaint with the Allegan County Transportation ADA Coordinator as soon as possible, but no later than 180 calendar days after the alleged violation.
- The written complaint should be submitted by the complainant and/or designee.
- Alternative means of filing complaints – such as a personal interview or a tape recording will be made available on request by people with disabilities.
- The written complaint should contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem.
- Within 15 calendar days after receiving the complaint, an Allegan County Transportation official will meet with the complainant to discuss the complaint and possible resolutions.
- Within 15 calendar days of the meeting, the Allegan County Transportation ADA Coordinator will respond in writing or by other appropriate accessible format. The response will explain the position of the Allegan County Transportation and offer options for substantive resolution of the complaint.
- If the response by the Allegan County Transportation ADA Coordinator does not resolve the issue, the complainant and/or designee may appeal the decision within 15 calendar days after receiving the response to the Federal Transit Administration Office for Civil Rights.
- All written documents in the process will be retained by the Allegan County Transportation for at least 1 year.

Alternative formats and language translations for this document are available on request.