

City of Niles
Dial-A-Ride Transportation
ADA Reasonable Modification and Complaint Policies and Procedures

I. ADA Reasonable Modification

Introduction

On March 13, 2015, as part of the Federal Register Vol. 80, No. 49 (80FR13253), the Federal Department of Transportation (DOT) issued a Final Rule affecting 49 CFR Parts 27 and 37 (Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance and Transportation for Individuals with Disabilities, respectively). The purpose behind the final rule is “to clarify that public transportation entities are required to make reasonable modifications/accommodations to their policies, practices, and procedures to ensure program accessibility... [T]he nature of an individual’s disability cannot preclude a public transportation entity from providing full access to the entity’s service unless some exception applies.”

The City of Niles Dial-A-Ride Transportation (DART) is committed to providing equal access and opportunity to individuals with disabilities in all of its programs, services, and activities. No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Niles DART, or be subject to discrimination by Niles DART.

Niles DART recognizes that, in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Niles DART will adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs and services for persons with disabilities.

Reasonable Modification Definition

A reasonable modification is a change or exception to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services, and activities. Niles DART will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for qualified individuals with disabilities, unless:

- Making the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health or safety of other passengers.
- The individual with a disability is able to fully use the Niles DART service without the accommodation being made.
- Granting the request would cause an undue financial and administrative burden.

Requests for Reasonable Modifications

Requests for reasonable modifications can be made by contacting the DART General Manager as follows:

City of Niles
Dial-A-Ride Transportation
General Manager
623 North Second Street

Phone: 269-684-5150, ext. 3
Fax: 269-684-5154
Email: DARTManager@nilesmi.org

Whenever feasible, Niles DART requests that individuals make requests for modifications before Niles DART is expected to provide the modified service. Individuals requesting modifications should provide their name, a valid phone number, an email address (if applicable), and a description of what they need in order to use the DART service. DART staff will contact riders via phone or email if additional information is needed.

DART understands that it is not always possible to make requests for modification in advance. Riders with immediate needs (e.g., a weather-related obstacle, an unexpected situation at a pick-up location, etc.) may make the request to the driver or dispatcher. Operational staff will determine whether or not the request can be safely granted. If the need for modification will be long-term, riders will be asked to follow up with the General Manager to make the request.

Individuals requesting modifications are not required to use the term “reasonable modification” when making a request. The DART General Manager, or her designee, will determine if the request represents a reasonable modification and proceed accordingly.

Granting a Reasonable Modification Request

When a request for accommodation is made, Niles DART will make every effort to engage in a good faith interactive process with the individual requesting an accommodation to determine what, if any accommodation shall be provided.

In general, Niles DART will process requests for reasonable modification and then provide modification, where appropriate, within 15 business days following receipt of the request. However, there may be circumstances in which the time necessary to process a request will depend on the nature of the modification(s) requested and whether it is necessary to obtain supporting information. In cases where processing a request may take longer than 15 business days, DART will be in regular communication with the individual making the request.

Once Niles DART determines a reasonable modification will be provided, that decision shall be communicated to the individual in writing. Upon request, alternative means of response will be provided in addition to the written response.

Denying a Reasonable Modification Request

If Niles DART determines that a request for reasonable modification will be denied, staff will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- Specific reasons for the denial;
- Alternative accommodation(s), if any, that may create the same access to transit services as requested by the individual; and
- The opportunity to file a complaint relative to the decision on the request.

Reasonable Modification Complaint Process

Any person who wishes to file a formal complaint regarding a reasonable modification request may write to the City of Niles City Administrator. Complaints must be in writing and may be addressed to:

City of Niles
City Administrator
333 North Second Street
Niles, MI 49120
Email: rhuff@nilesmi.org
Fax: 269-683-3930

Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if they are unable to communicate their complaints in writing.

The City Administrator, or his designee, will investigate complaints within 30 business days after receipt. If more information is needed to resolve the complaint, the City Administrator, or his designee, may contact the complainant. If the information is not received within 15 days, the complaint will be administratively closed.

After the City Administrator, or his designee, investigates the complaint, a decision will be rendered in writing to the complainant. The City Administrator will issue either a Letter of Closure or Letter of Finding:

- *Letter of Finding* – This letter will summarize the complaint and any interviews conducted regarding the complaint, and explain what actions will be taken by Niles DART to address the complaint.
- *Letter of Closure* – This letter will explain why the City Administrator has determined the complaint does not merit accommodation under the ADA and that the complaint will be closed.

If the complainant disagrees with the decision of the City Administrator, an opportunity to appeal the decision may be pursued, provided the notice of appeal is received within 15 days of the initial decision by the City Administrator.

In the event of an appeal, the complainant will be granted all due process, including the ability to present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

Record Retention

Niles DART will maintain all records related to reasonable modification requests and denials for at least five (5) years.

II. ADA Complaints

Titles II and III of the Americans with Disabilities Act (ADA) of 1990 provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation services. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service. Niles DART is committed to providing safe and reliable transportation to all people without discrimination based on disabilities.

ADA Complaint Process

Many issues can be resolved without a filing formal complaint. Therefore, individuals who believe they may have been discriminated against on the basis of their disability may contact the Niles DART General Manager to discuss their concerns. The General Manager can be reached by phone at 269-684-5150, ext. 3 or by email at DARTManager@nilesmi.org.

Any individual who believes that he/she has been denied the benefits of, excluded from participation in, or subject to discrimination on the basis of their disability, and who wishes to file a formal complaint may do so as follows. Complaints should be filed as soon as possible, but not more than 60 days after the alleged violation.

Complaints must be in writing (an ADA Complaint Form is available, see Attachment A) and include the following information:

- The complainant's full name, address, day and evening telephone numbers, email numbers and the name and contact information of the person completing the form (if not the complainant);
- If known, the name of the person believed to have committed the discrimination;
- A description of the act(s) of discrimination and the date(s) of the occurrence;
- Other information necessary to support the complaint, including copies (not originals) of relevant documents; and
- The complainant's preferred method of communication. Written communications can be made available in specific formats (e.g., large print, Braille, electronic documents) upon request.

The complaint should be sent by mail, email, or fax to:

City of Niles
Dial-A-Ride Transportation
General Manager
623 North Second Street
Fax: 269-684-5154
Email: DARTManager@nilesmi.org

Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities upon request.

Within 15 business days of receiving a formal complaint, DART staff will begin an investigation and contact the complainant. Staff may request that additional documentation be submitted and may also contact other interested parties as needed. If the requested information is not received within 15 days, the complaint will be administratively closed. Staff may also use audio/video recordings from facility and on-board surveillance systems, written communications (paper and electronic), system data (dispatch records, vehicle location tracking, etc.), driver logs, and/or interviews with DART staff as a part of the investigation.

Within 60 business days of receiving the complaint, the DART General Manager will respond to the complaint in writing (or by other appropriate accessible format, if requested). The response will explain the position of Niles DART and offer options for substantive resolution of the complaint (if applicable).

If the response by the Niles DART General Manager does not resolve the issue, the complainant may appeal the decision to the City Administrator within 15 business days of receiving the response from the DART General Manager.

ADA Complaint Appeals

The City Administrator, or his designee, will investigate ADA complaint appeals within 30 business days of receipt. Complaint appeals must be in writing (alternative, accessible means of filing complaints will be made available for persons with disabilities upon request) and may be addressed to:

City of Niles
City Administrator
333 North Second Street
Niles, MI 49120
Email: rhuff@nilesmi.org
Fax: 269-683-3930

If more information is needed to resolve the complaint, the City Administrator, or his designee, may contact the complainant to request additional information. If the requested information is not received within 15 days, the complaint will be administratively closed.

After the City Administrator, or his designee, investigates the complaint, a decision will be rendered in writing to the complainant. The City Administrator will issue either a Letter of Closure or Letter of Finding:

- *Letter of Finding* – This letter will summarize the complaint and any interviews conducted regarding the complaint, and explain what actions will be taken by Niles DART to address the complaint.
- *Letter of Closure* – This letter will explain why the City Administrator has determined there was not an ADA violation and that the case will be closed.

If the complainant disagrees with the decision of the City Administrator, an opportunity to appeal the decision may be pursued provided the notice of appeal is received within 15 days of the initial decision by the City Administrator.

In the event of appeal, the complainant will be granted all due process, including the ability to present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

Record Retention

Niles DART will maintain all records related to ADA complaints for at least five (5) years.

Option to File with FTA

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as the filing of a Section 504/ADA complaint with the responsible federal department. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

Claimants may also file a separate ADA complaint directly to the Federal Transit Administration (FTA) as follows:

Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

Attachment A – ADA Complaint Form

**City of Niles Dial-A-Ride Transportation
ADA Complaint Form**

The Americans with Disabilities Act (ADA) of 1990 provides that no entity shall discriminate against an individual with a disability in connection with the provision of transportation services. Niles DART is committed to providing safe and reliable transportation to all people without discrimination based upon disabilities. If you feel you have been discriminated against under the ADA, please provide the following information in order to assist us in processing your complaint.

Section I		
Name of Complainant :		
Address:		
Telephone (home):	Telephone (work):	
Telephone (cell):		
Electronic Mail Address:		
Preferred Method of Communication: <input type="checkbox"/> Phone <input type="checkbox"/> Email <input type="checkbox"/> Postal Mail		
Accessible Format Requirements? <input type="checkbox"/> Large Print <input type="checkbox"/> TDD <input type="checkbox"/> Audio Tape <input type="checkbox"/> Other:		
Section II		
Are you filing this complaint on your own behalf?	Yes*	No
*If you answered "yes," proceed to Section III. If not, please supply your name, phone number, and relationship to the person for whom you are complaining:		
Please explain why you have filed for a third party:		
Have you have obtained the permission of the aggrieved party if you are filing on behalf of a third party?	Yes	No
Section III		
Date of Alleged Discrimination (Month, Day, Year): _____		
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form or attach additional pages.		

Section IV

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?
 Yes No
 If yes, check all that apply:
 Federal Agency _____
 Federal Court _____ State Agency _____
 State Court _____ Local Agency _____

Please provide the following information the agency/court where the complaint was filed:

Contact Name: _____
 Title: _____
 Agency: _____
 Address: _____
 Telephone: _____
 Electronic Mail: _____

Please attach any other written material or information you feel is relevant to your complaint. Sign and date below.

 Signature

 Printed name

 Date

Submit completed form to:
 City of Niles Dial-A-Ride Transportation
 General Manager
 623 North Second Street
 Niles, Michigan 49120
 Email: DARTManager@nilesmi.org
 Fax: 269-684-5150

Attachment B – Public Notice for Buses and Facility

City of Niles Dial-A-Ride Transportation Procedure to File a Complaint Under the Americans with Disabilities Act

In accordance with the Americans with Disabilities Act (ADA) of 1990, the City of Niles Dial-A-Ride Transportation (DART) is committed to providing quality service to all of our customers and does not tolerate discrimination against individuals with disabilities who participate in its services, programs, or activities. Any individual who believes that he or she has been denied the benefits of, excluded from participation in, or subject to discrimination on the basis of their disability may file a formal complaint with:

City of Niles DART
General Manager
623 North Second Street
Niles, MI 49120
Fax: 269-684-5154
Email: DARTManager@nilesmi.org

Many issues can be resolved without a filing formal complaint! Before filing a formal complaint, you may contact the Niles DART General Manager to discuss your concerns. The General Manager may be able to work with you to develop an acceptable resolution to the situation. To reach the General Manager, contact the office at 269-684-5150 or email DARTManager@nilesmi.org.

If a formal complaint is still needed, please use the following procedures:

- Submit an ADA Complaint form (available upon request or from the DART website, www.nilesdialaride.org) to the DART office as soon as possible, but no later than 60 calendar days after the alleged violation. The written complaint must be submitted by the grievant or his/her designee.
- The written complaint must contain information about the alleged discrimination, including the name, address, and phone number of complainant, and the date and location of the incident, along with a description of the problem.
- Within 15 business days after receiving the complaint, a Niles DART official will contact the complainant and begin an investigation.
- Within 60 business days of receiving the complaint, the Niles DART General Manager will respond to the complaint in writing (or by other appropriate accessible format). The response will explain the position of Niles DART and offer options for substantive resolution of the complaint.
- If the response by the Niles DART General Manager does not resolve the issue, the complainant and/or designee may appeal the decision to the Niles City Administrator within 15 business days after receiving the response from the DART General Manager.
- Alternative means of filing complaints – such as a personal interview or a tape recording – will be made available on request by people with disabilities.

- Claimants may also file a separate ADA complaint directly to the Federal Transit Administration Office of Civil Rights.
- All written documents in the process will be retained by Niles DART for at least 5 years.

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