

ADA Complaint Procedures

The Transit Authority of River City (TARC) grants equal access to its programs and services to all citizens. This document serves to make citizens aware of their rights to such access, and serves to educate citizens so that they may understand the civil rights laws that protect their receipt and benefit of such services as defined by the American with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Any person who believes they have been discriminated against on the basis of disability by TARC may file an ADA complaint by completing and submitting the agency's ADA Complaint Form.

These procedures cover all complaints filed under American with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of alleged discrimination in any program or activity administered by TARC.

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 TARC may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under the American with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 and related statutes may file a complaint.

1) A formal complaint must be filed within one-hundred eighty (180) days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints. A TARC American with Disabilities Act of 1990 complaint form can be found at the end of this document. TARC encourages individuals to submit American with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 complaints in writing using this form and mailing it to:

**Transit Authority of River City
Attn: Director of Civil Rights and Compliance
1000 W. Broadway
Louisville, KY 40203**

2) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to TARC's Director of Civil Rights and Compliance. Under these circumstances, the complainant will be interviewed, and the Director of Civil Rights and Compliance will assist the complainant in completing a written statement.

3) When a complaint is received, the Director of Civil Rights and Compliance will provide written acknowledgment to the Complainant, within ten (10) business days by registered mail.

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

5) Within fifteen (15) business days from receipt of a complete complaint, TARC will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) business days of this decision, the Executive Director of TARC or his/her authorized designee will notify the Complainant and Respondent, 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 authority's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.

6) When TARC does not have sufficient jurisdiction, the director or his/her authorized designee will refer the complaint to the appropriate local, state, or federal agency holding such jurisdiction.

7) If the complaint has investigative merit, the Executive Director or his/her authorized designee will instruct the Director of Civil Rights and Compliance to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the director within sixty (60) business days from receipt of the complaint. The report will include a description of the incident, summaries of all persons interviewed, and a finding with recommendations and proposed resolution where appropriate. If the investigation is delayed for any reason, the Director of Director of Civil Rights and Compliance will notify the appropriate authorities, and an extension will be requested.

8) The Executive Director or his/her authorized designee will issue letters of finding to the Complainant and Respondent within ten (10) business days from the completion of the investigation or ninety (90) business days from receipt of the complaint.

9) If the Complainant is dissatisfied with TARC's resolution of the complaint, he/she has the right to file a complaint with:

Kentucky Commission on Human Rights
332 W Broadway # 700
Louisville, KY 40202
<http://kchr.ky.gov/>

-or-

Office of Civil Rights
Federal Transit Administration

1200 New Jersey Avenue, SE
Washington, DC 20590
Telephone (888) 446-4511
Fax (404) 865-5605