

GOLDEN CERCENT REGIONAL PLANNING COMMISSION
TRANSPORTATION DEPARTMENT: VICTORIA TRANSIT
ADA COMPLAINT PROCEDURES



Title II of the Americans with Disabilities Act (the “ADA”) protects qualified individuals with a disability from discrimination on the basis of that disability in the services, programs, or activities of the Golden Crescent Regional Planning Commission (GCRPC). This notice is posted to inform the public of the provisions of Title II of the ADA and the requirements of the federal ADA regulations

The US DOT ADA Final Rule, effective July 13, 2015, revised the local complaint process requirements in 49 CFR Parts 27 and 37 to require that recipients sufficiently advertise the process for filing an ADA-related complaint and communicate a response promptly to any individual filing a complaint.

In the event an individual believes that the Department has failed to comply with ADA by not providing equivalent access to a department service, program, or activity, that individual or group of individuals may file a complaint with the Department.

The process for filing an ADA Title II Complaint will be as follows:

- A completed ADA Complaint Form should be filed within 180 calendar days of the alleged occurrence. Copies of this form may be printed from the Department’s website, a copy may be obtained in person, email and complaints can be received directly from passenger via phone email.
- All ADA complaints must be forwarded to the Transportation Program Specialist. The Transportation Program Specialist is responsible for investigating/tracking complaint and the resolution.
- All complaints will be acknowledged the following business day of complaint receipt date. The Transportation Program Specialist will investigate the complaint and respond in writing within 10 business days from receipt of the complaint. If no action is taken, the response will state the reasons for the decision. (GCRPC employee and transit contractor’s personnel files are confidential; therefore, specific information on disciplinary actions resulting from complaints will not be divulged). Information provided will include:
 1. A description of the complaint.
 2. A finding of facts.
 3. A description of how the complaint will be resolved if valid and if not valid the reason why.
 4. When the complaint will be resolved if valid; and
 5. An assurance that GCRPC will comply with the specific terms of the resolution of the complaint if valid.

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2. If a request is denied, the denial will be limited to the following reasons:
 1. Alter the nature of the transit service
 2. Create direct threat to the health or safety of others.
 3. Individuals with a disability can fully use the services, programs, or activities for their intended purpose.
 4. Cause or undue financial or administrative burden.

Filing an Appeals:

The complainant can appeal the decision in instances where he or she is dissatisfied with the resolution. The request for appeal should be made within thirty (30) business days of receipt of the response to the complaint. An appeal may be made in writing, telephone, or in-person. Appeal should be directed to GCRPC Director of Transportation at 1908 N. Laurent St. Suite #600B, Victoria, TX 77901, (361) 578-1587.

Appeals Follow-Up (only if requested by the complainant): The Director of Transportation will review the appeal and respond in writing within 10 business days of the receipt of the decision. Information provided will include:

1. A copy of your complaint; and
2. A brief report of the outcome of the investigation.

If requested by the complainant, a hearing will be scheduled on the matter, during which the complainant will be permitted to present any materials or testimony relevant to the appeal. The Director of Transportation will review the information provided by the complainant (or the complainant's representative) and make a decision on whether to uphold the decision. This decision will be made within 10 business days.

File Retention:

The Transportation Program Specialist shall maintain the files and records relating to the complaints filed, for a minimum period of office (3) years.

Individuals may also file complaints with Federal Transit Administration Office at:

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Federal Transit Administration

Office of Civil Rights
U.S. Department of Transportation
400 Seventh St. SW, Room 9102
Washington DC 20590
www.fta.dot.gov/ada