

**City of Bowling Green, KY
Transit Department**

**ADA COMPLAINT, GENERAL COMPLAINT, COMMENT
POLICY AND PROCEDURE**

August 8, 2022

As per FTA Circular 4710.1, City of Bowling Green, Transit Department, is required to follow specific written procedures for all ADA Complaints. City of Bowling Green, Transit Department, is required to promptly communicate its response to any alleged ADA violation to the complainant, including the reasons for the response, and to document responses in its internal records or database for purposes of record-keeping. City of Bowling Green, Transit Department, is required to have a designated person in place to coordinate the ADA complaint process in order to ensure appropriate due process for any actual ADA complaints received. Procedures must be accessible to and usable by individuals with disabilities.

To facilitate prompt access to the complaint process and resolution, City of Bowling Green, Transit Department, offers several methods by which an individual may file an ADA complaint, general complaint, or comment including written, electronic, in-person, and via a telephone voicemail line.

The City of Bowling Green is committed to providing safe, friendly, and reliable transportation options for our community. Customers of the Bowling Green area are the primary focus of our business and as such, their comment is crucial to the growth and development of the agency.

The City of Bowling Green, Transit Department, ADA Complaint Policy has been established to ensure that riders of the system have an easy and accessible way to provide comments to the agency. The City of Bowling Green is open to hearing any customer comments including complaints, feedback, suggestions, or concerns.

COMPLAINT AND COMMENT METHODS – CONTACTING CBG TRANSIT DEPARTMENT

Customers may submit complaints and comments using any of the following methods which are advertised by:

- 1) U.S. Mail:
City of Bowling Green, Transit Department, Transit Manager
304 E 11th Ave.
Suite 2
Bowling Green, KY 42101
- 2) Customer Line: Riders can speak to a call-taker or record their complaint at (270) 782-3163. This line is available after hours as well, and messages will be picked up the next business day.
- 3) Electronic Mail: Riders can contact City of Bowling Green, Transit Department, by e-mail at robert.gil@ratpdev.com
- 4) Language Line: For riders who speak a language other than English, City of Bowling Green, Transit Department, utilizes the services of “Language Line” to facilitate the call. Kentucky Relay is available by dialing 7-1-1.

- 5) The City of Bowling Green, Transit Department, Website: Riders can view policies, procedures, and other documents on the City of Bowling Green, Transit Department, website at www.bgky.org/transit under the documents header.

COMMENT REVIEW PROCESS

All comments from customers are valued. Comments will be reviewed by the customer service department which will distribute the customer communication to the appropriate agency representative(s).

1. Customer concerns, complaints, or employee commendations will be forwarded to the transit operations manager.
2. Recommendations for service or system modification will be sent to the Transit Operations and the Transit Manager.
3. Questions regarding discrimination or bias will be sent to the Transit Manager.

COMMENT ACKNOWLEDGEMENT

Anyone who submits a comment, complaint, or service suggestion to CBG Transit Department shall receive a response provided they give legible contact information. Feedback sent via US Mail or fax will receive a response within seven (7) business days. Electronic mail, phone, or web originated messages will be returned within three (3) business days.

CUSTOMER APPEALS PROCESS

At any time, any individual is welcome to appeal the decision. CBG Transit management will reassess the complaint and will include the NCS Director.

INFORMATION ABOUT POLICY

Information about the Policy, including how to submit a complaint or comment, will be made available to riders:

1. When customers are approved for ADA Paratransit Service;
2. When customers are re-evaluated for ADA Paratransit Service or, if customers are not re-evaluated, every three (3) years;
3. On comment cards available on all Transit vehicles;
4. At the Downtown Transit Center;
5. In the Rider's Guide.

LEVELS OF COMPLAINT

- Tier 1 "Major" issues involving safety or injury (e.g., traffic accident, reckless driving, evidence of weapon, assault, inappropriate sexual behavior, fraud, etc.).
- Tier 2 "Major" issues involving service, behavior, and safety with no injury (e.g., allegation of reckless driving, minor accident (not involving injury), and vehicle safety).
- Tier 3 "Moderate" issues involving service or behavior (e.g., driver/customer late, long hold times, poor customer service, vehicle maintenance issues, etc.).

Tier 4 “Minor” complaint/ issues not involving safety, behavior, or timeliness (e.g., dirty vehicle, driver odor, driver rudeness).

REPORTING

Transit Operations shall compile a summary of rider responses for the City of Bowling Green Transit Management and Administration for use in reviewing and evaluating service.

CATEGORIZATION

Each complaint shall be categorized into one of the five ‘Basis of Complaints: Customer Service, Service, Maintenance, Compliance and Safety.

TRACKING

The CBG Transit Department shall maintain a tracking system for all comments from customers that provides a unique identification of each customer communication and allows ready access to information on status of the comment at any time.

PROTECTION FROM RETRIBUTION

Customers of the CBG Transit Department should be able to submit comments without fear of retribution from the agency. If a rider feels like they are being treated unfairly in response to the comment they provided, they should contact the Transit Manager at (270) 393-3695.

ADA COMPLAINT PROCEDURE

This section outlines the Americans with Disabilities Act (ADA) complaint procedures related to providing programs, services, and benefits. However, it does not deny the Complainant the right to file formal complaints with The City of Bowling Green, Transit Department, Kentucky Transportation Cabinet – Office of Transportation Delivery, and Federal Transit Administration, or seek private counsel for complaints alleging discrimination, intimidation or retaliation of any kind that is prohibited by law.

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. City of Bowling Green, Transit Department, is required to designate one or more employees to coordinate Part 37 and Part 27 compliance, respectively, and to have procedures in place specifically to address complaints alleging ADA violations. These procedures are as follow:

PROCEDURE

1. The Transit Manager is the designated ADA Complaints Responder and Investigator and is responsible for the following primary responsibilities:
 - a. Maintaining written documentation of all stages of a complaint investigation, from receipt to closing;
 - b. Communicating City of Bowling Green, Transit Department’s response to the allegation to the complainant;
 - c. Conducting thorough investigations of all ADA-violation allegations;
 - d. Confirming / determining if an ADA allegation is founded or unfounded;
 - e. Tracking and documenting any disciplinary action or training stemming from afounded complaint;
 - f. Resolution of case and written communication of findings with the complainant.

2. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the Complainant(s). In cases where Complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The City of Bowling Green, Transit Department, Transit Manager will interview the Complainant and assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the Complainant or his/her representative.
 - b. Include the date of the alleged incident or when the Complainant(s) became aware of the alleged incident.
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint.
 - d. Federal and state law requires complaints be filed within 180 calendar days of the alleged incident.
3. Upon receipt of the complaint, the City of Bowling Green, Transit Department, Transit Manager shall send a letter to the complainant within thirty (30) days notifying them of the completion and outcome of the investigation. This will include instructions on how to contact FTA if they feel that their complaint was not satisfactorily handled.
4. Complaints received by any other employee of City of Bowling Green, Transit Department, will be immediately forwarded to the Transit Manager.
5. A complaint must meet the following criteria for acceptance:
 - a. The Complaint must be filed within 180 days of the alleged occurrence.
 - b. The allegation must involve a City of Bowling Green, Transit Department, service of a Federal-aid recipient, sub-recipient, or contractor.
 - c. If the complaint is a discriminatory or regulatory violation, the Transit Manager will *immediately* investigate the allegation by reviewing transit vehicle video (if needed and, if available) and interview involved parties. All relevant information regarding the investigation shall be logged in the ADA Complaints record spreadsheet or software.
6. Founded violations or discrimination triggers an immediate disciplinary/corrective action.
7. A complaint may be dismissed for the following reasons:
 - a. The Complainant requests the withdrawal of the complaint;
 - b. The Complainant fails to respond to repeated requests for additional information needed to process the complaint;
 - c. The Complainant cannot be located after reasonable attempts.
8. The investigative report and its finding will be reviewed by the City of Bowling Green, Transit Department, Transit Administration. The report will be modified as needed.
9. At any time, an individual can use the same complaint form and submit to the FTA for investigation. Complainant will be advised to contact the:

Federal Transit Administration

Office of Civil Rights
 Attention: Complaint Team
 East Building, 5th Floor – TCR
 1200 New Jersey Avenue, SE, Washington, DC 20590
 ADA Assistance Line: 888-446-4511

FILING COMPLAINT OR INCIDENT REPORT

When filing a complaint or incident report, customers are encouraged to provide:

- Name, address, telephone, email
- Reason for Complaint / Description of what transpired
- Date and time of the incident
- Mobility aid used (if any)
- Bus and Route number
- Name or description of any involved parties

RECORD KEEPING REQUIREMENT

1. The City of Bowling Green, Transit Department, Transit Manager logs all ADA and Title VI complaints received through phone, voicemail, U.S. Mail or Parcel, email, and Media Platforms daily Monday – Friday, except for observed holidays.
2. The CBG Transit Department, Transit Operations, logs and investigates all other general complaints into a central complaint log on the day of receipt (or the following Monday if received on a weekend).

The Transit Manager shall be responsible for entering all ADA related complaints, investigation, and resolution information into the complaint record spreadsheet or software specifically for ADA related complaints. All elements must be fully documented during the course of an investigation, including notation that an element is notapplicable (N/A).

- i. City of Bowling Green, Transit Department, Staff Entering Information;
- ii. Time and Date Complaint was Received;
- iii. Name of Complainant;
- iv. Contact information of Complainant;
- v. Time and Date of Incident;
- vi. Bus#/Driver Description (if applicable);
- vii. Notes on Initial Communication with the Complainant;
- viii. Email or documented phone call to the complainant acknowledging receipt of the complaint and indicating further communications will occur once the investigation is complete;
- ix. Investigation: view bus video, driver or witness interviews, any other applicable documents;
- x. Investigation Results Narrative documented;
- xi. Any Disciplinary Action Taken (retraining, suspension, warning);
- xii. Personnel File Updated (if applicable);
- xiii. Letter/Email sent to complainant communicating the results of the investigation within thirty (30) days of initial complaint;
- xiv. Resolution/Close Case.