BENZIE BUS
CONNECTING PEOPLE TO COMMUNITY

| Board Adopted Policy | |
|---|---|
| Policy Title: **ADA Complaint and Reasonable Modification Policy** | |
| Effective Date: 04/16/2015 | Review Cycle: As Required by MDOT |
| Last Reviewed: 09/20/2022 | Reviewed By: Board of Directors |
| Revision History: 04/2018, 04/2021, 09/2022 | |

I. Application: Authority wide

II. Intent:

Title II and III of the American Disability Act of 1990 (ADA) provides that no entity shall discriminate against an individual with a disability in connection with the provision of transportation services. Title II of the ADA prohibits state and local governments from discriminating against people with disabilities. Title III establishes accessibility requirements for places of public accommodations. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including access to fixed route bus and complementary paratransit service. Benzie Transportation Authority (BTA) is committed to providing safe and reliable transportation to all people without discrimination. Benzie Transportation Authority (BTA) will comply with all FTA ADA requirements.

Attachment A will be posted in all transit agency buses, facilities and Website.

**Benzie Transportation Authority Responsibility**

If BTA receives a complaint regarding discrimination against an individual under the ADA, we 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. We will document the entire process, including the resolution of the complaint, and will notify the Michigan Department of Transportation (MDOT) Office of Passenger Transportation (OPT). We will keep the complaint and all related documents on file for at least one year. We will keep a summary of all complaints filed for at least five years. Records will be made available to MDOT upon request.

**What information should my ADA complaint include?**

Please provide the following information:

A. Your full name, address, the telephone numbers where we can reach you during the day and evening, and the name of the party discriminated against (if known).

B. If known, the name of the person you believe has committed the discrimination.

C. A brief description of the act(s) of discrimination, and the date(s) they occurred.

D. Other information you believe necessary to support your complaint, including copies (not originals) of relevant documents.

E. Information about how to communicate with you effectively. Please let us know if you want written communications in a specific format (e.g., large print, Braille, electronic documents).

To guide you in providing the requested information, you may use the attached complaint form. (Attachment B)

**How do I file an ADA complaint by email?**

Include all of the information listed above, either in the body of the email or in an attachment. Attach relevant documents to your email. Send your complaint to admin@benziebus.com. You will receive an e-mail 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 Benzie Transportation Authority at 231-325-3000.

**What happens after my complaint is received?**

After the complaint is received, we will inform you of our action, which may include:

A. Contacting you for additional information or copies of relevant documents;
B. Working with you to resolve the issue;
C. Referring your complaint for possible resolution through the U. S. Department of Justice ADA Mediation Program.
D. Referring your complaint to another federal agency with responsibility for the types of issues you have raised.

**How can I find out the status of my complaint?**

We will review each complaint carefully. If you have not heard from us within three weeks after filing a complaint, please contact us at 231-325-3000.

**Reasonable Modifications**

Public agencies that provide designated public transportation shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services. This requirement applies to the means public entities use to meet their obligations under all provisions of the law.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, BTA shall give priority to those methods that offer services, programs, and activities to

qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

Requests for modification of BTA policies and practices may be denied only on one or more of the following grounds:

A. Granting the request would fundamentally alter the nature of the agency's services, programs or activities.
B. Granting the request would create a direct threat to the health or safety of others.
C. Without the requested modification, the individual with a disability is still able to fully use the entity's services, programs, or activities for their intended purpose.

Basic process requirements that must be met are:

A. Information on the reasonable modification process must be readily available to the public and must be readily accessible.
B. Advance notice can be required if feasible. Flexibility is also needed to handle requests that are only practicable on the spot.
C. Individuals requesting modifications are not required to use the term "reasonable modification."

What information should my reasonable modification request include?

A. Your full name, address, telephone number and email address where we can reach you during the day and evening.
B. The name of the party discriminated against, if known.
C. If the request is being made by someone else on behalf of the rider, please provide the advocate's name, relationship to the rider and telephone number.
D. A description of the rider's disability or disabilities.
E. The service policy or procedure that may need to be modified to allow the rider full access to the transit services provided.
F. How the current service policy or program prevents the rider from using transit service.
G. A description of the specific modification to the current service policy or procedure that you are requesting.
H. Copies (not originals) of any required documentation of disability.

To guide you in providing the requested information, you may use the attached ADA reasonable modification request form. (Attachment C)

**How do I request reasonable modification by email?**

Include all of the information listed above, either in the body of the email or in an attachment. Attach relevant documents to your email. Send your request to admin@benziebus.com. You will receive a reply email confirming that your request has been received within 48 business hours. Please keep a copy of your request and the reply email for your records. If you do not receive a reply email, please contact BTA at 231- 325-3000.

**What happens after my request is received?**

After the request is received, BTA will provide a written response of approval or denial with seven days of its receipt.

**How can I find out the status of my request?**

We will review each request carefully. If you have not heard from us within seven days, please contact us at 231-325-3000.

**ATTACHMENT A**

Flier to be posted in all public buses, facilities and Website

Benzie Transportation Authority

Procedure to File a Complaint or Request Reasonable Modification Under the Americans with Disabilities Act (ADA)

If you believe you, or another person has been discriminated against under Title II and III of the American Disability Act of 1990 by Benzie Transportation Authority or one of our employees, you can file a complaint by mail, fax, or email at:

Benzie Transportation Authority ADA Coordinator
Fax #231-325-3007
Email admin@benziebus.com
14150 Hwy US 31
Beulah, MI 49617

Take the first step: Before filing your complaint or request, you may contact Benzie Transportation Authority's (BTA) ADA Coordinator to discuss your concerns. The issue will be reviewed and BTA will try to come up with an acceptable resolution to the situation.

You can file a complaint or Request Reasonable Modification against Benzie Transportation Authority using the following procedures:

- File a written complaint with the BTA's ADA Coordinator as soon as possible, but no later than 180 calendar days after the alleged violation. Request for reasonable modification may be filed at any time.
- The written complaint or modification request should be submitted by the grievant and/or designee.
- Alternative means of filing complaints and requesting modifications, – such as a personal interview or a tape recording, will be made available on request. The written complaint or modification request should contain the information required by BTA's public policy that is available upon request. Alternative formats and language translations for this document are available by request.
- Explanation of approval or denial of reasonable modification requests will be made and sent to the requestor within seven calendar days of receipts.
- Within 15 calendar days after receiving the complaint, BTA's ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions.
- Within 15 calendar days of the meeting, BTA's ADA Coordinator will respond in writing or by other appropriate accessible format. The response will explain the position of BTA and offer options for substantive resolution of the complaint.
- If the response by BTA's 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 BTA for at least one year.

**Attachment B**

Benzie Transportation Authority ADA Discrimination Complaint Form

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

Benzie Transportation Authority ADA Coordinator
14150 Hwy US 31, Beulah, MI 49617
231-325-3007
E-mail: admin@benziebus.com

Complainant: _____

Address: _____

City, State and Zip Code: _____

Telephone: Home: _____ Mobile: _____

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

Address: _____

City, State and Zip Code: _____

Telephone: Home: _____ Mobile: _____

Email Address: _____

When did the discrimination occur? Date: _____

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

_____

_____
_____
_____
_____
_____

Signature: _____ Date: _____

**Attachment C**

Benzie Transportation Authority ADA Reasonable Modification Request Form

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

Benzie Transportation Authority ADA Coordinator
14150 Hwy US 31, Beulah, MI 49617
Fax 231-325-3007
E-mail: admin@benziebus.com

Rider: _____

Street Address: _____

City, State, and Zip Code: _____

Telephone: Home: _____ Mobile: _____

Email address: _____

Person requesting modification (if other than the rider): _____

Address: _____

City, State and Zip Code: _____

Telephone: Home: _____ Mobile: _____

Email Address: _____

Describe the rider's disability or disabilities. _____

_____

Describe the service policy or program that may need to be modified to allow the rider full access to the transit services provided. _____

_____

How does the current service policy or program prevents the rider from using the transit service or program? _____

_____

Please describe the specific modification to the current policy/procedure that you are requesting. _____

_____

How would you like (transit agency) to respond to your request?

□ In writing to the address listed above
□ By email to the address listed above

If future communications regarding this request are needed in an alternate format, please indicate the appropriate format below:

□ large print (font size needed: _____)
□ Spanish

This form can be requested in large print by calling 231-325-3000 or emailing admin@benziebus.com.

Please send the completed form and any required documentation of disability to:

Benzie Transportation Authority ADA Coordinator
14150 Hwy US 31, Beulah, MI 49617
231-325-3007

Electronic versions of the completed form and scans of required documentation of disability should be sent to admin@benziebus.com

BTA will provide a written response to your request within seven days of its receipt. To check on the status of the request, call BTA at 231-325-3000, or email admin@benziebus.com