

**City Utilities of Springfield (CU)
CU Transit ADA Complaint Procedures
Updated December 2017**

49 CFR Part 37 Transportation Services for Individuals with Disabilities (ADA)

§37.17 Designation of responsible employee and adoption of complaint procedures.

(a) *Designation of responsible employee.* Each public or private entity subject to this part shall designate at least one person to coordinate its efforts to comply with this part.

City Utilities has designated the Director of Transit the responsibility to coordinate CU Transit's efforts to comply with the ADA Law and ADA Complaint Procedures.

(b) *Adoption of complaint procedures.* An entity shall adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part and 49 CFR parts 27, 38 and 39. The procedures shall meet the following requirements:

(1) The process for filing a complaint, including the name, address, telephone number, and email address of the employee designated under paragraph (a) of this section, must be sufficiently advertised to the public, such as on the entity's Web site;

See attached ADA Complaint Form located at www.cutransit.net/public-rights.

(2) The procedures must be accessible to and usable by individuals with disabilities;

(3) The entity must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant and must ensure that it has documented its response.

1. *Submission of Complaint: Any person or group who feels that he or she, individually, or as a member of any class of persons, based on disability, been unfairly deprived of benefit, or unduly burdened by the transportation planning process, or denied the benefits of, or subjected to discrimination caused by City Utilities may file a written complaint with the City Utilities Director of Transit. A sample complaint form may be downloaded from City Utilities – Transit website, www.cutransit.net/public-rights. You are not required to use the website form; a letter with the same information is sufficient. However, the information requested in the items marked with a star (*) must be provided, whether or not the form is used. Such complaints must be filed within 180 days after the date the person or group believes the discrimination or encumbrance occurred. Note: Upon request, assistance, in preparation of any necessary written material, will be provided to a person(s) who is unable to read or write. Complaints should be mailed or sent to:*

**City Utilities of Springfield
Director of Transit
1505 N. Boonville Avenue
Springfield, MO 65803
Phone #: 417-831-8784
Fax#: 417-831-8803**

2. *Referral to Review Officer: Upon receipt of the Complaint, the City Utilities' Director of Transit, shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the Complaint. The Complainant shall meet with the staff review officer(s) to further explain his or her complaint. The staff review officer(s) shall*

complete their review no later than 45 calendar days after the date City Utilities received the Complaint. If more time is required, the Director of Transit shall notify the Complainant of the estimated time frame for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the Complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to City Utilities processes relative to ADA, as appropriate. The staff review officer(s) shall forward their recommendations to the Director of Transit, for concurrence. If the Director concurs, he or she shall issue City Utilities written response to the Complainant.

- 3. Request for Reconsideration: If the Complainant disagrees with the Director of Transit's response, he or she may request reconsideration by submitting the request, in writing, to the Director of Transit within 10 calendar days after receipt of the Director's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the Director. The Director will notify the Complainant of his or her decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the Director agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with item 2, above.*
- 4. Appeal: If the request for reconsideration is denied, the Complainant may appeal the Director of Transit's response by submitting a written appeal to the Metropolitan Planning Organization (MPO) Board - Ozarks Transportation Organization (OTO), no later than 10 calendar days after receipt of the Director of Transit's written decision rejecting the reconsideration. The OTO Board of Directors will review all the information and documents that have been submitted and determine whether they agree or disagree with the Director of Transit's decision. The Complainant will be notified no later than 45 calendar days from the date of appeal to the OTO Board of the OTO Board's decision.*
- 5. Submission of Complaint: If the Complainant is dissatisfied with City Utilities and the OTO's resolution of the Complaint, he or she may also submit a written Complaint within 180 days after the alleged date of discrimination to the Departmental Office of Civil Rights, for investigation:*

*Departmental Office of Civil Rights
U.S. Department of Transportation
1200 New Jersey Ave., S.E.
Washington, D.C. 20590
Phone: (202) 366-4648*

- 6. ADA Complaint Record Retention: City Utilities Transit will retain ADA-related complaint files and logs for at least one year and a summary of all ADA-related complaints for at least five years.*