

ADA Complaint Resolution and Procedure

Procedure to Ensure Non-Discrimination of Individuals with Disabilities from Participation in Programs, Services, and Activities provided by the Metropolitan Atlanta Rapid Transit Authority (MARTA)

Purpose

The Americans with Disabilities Act (ADA) was established in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the public. The law's purpose is to ensure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities like those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The ADA has five titles (or sections) related to different public life areas.

This procedure covers all formal complaints and informal complaints filed by an individual or group of individuals under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 relating to any program or activity administered by the Metropolitan Atlanta Rapid Transit Authority (MARTA) as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law. 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.

Definitions

An **informal charge** is defined as any verbal or written communication received by customer service staff from members of the public referencing a general complaint regarding the violation of ADA rights to any programs or services provided in part with federal funds.

A **formal complaint** is defined as any written complaint of discrimination on the basis of disability filed by an individual or group, signed by the complaining party on MARTA's Complaint Form seeking to remedy perceived discrimination by facially neutral policies, practices, or decisions, which have an adverse impact which resulted in the inability to gain access to services, amenities, programs or activities finance in whole or in part with federal funds. Such complaints include, but are not limited to, allegations of:

- Failing to provide comparable services for individuals with disabilities
- Policies and practices that act as arbitrary and unnecessary barriers to individuals with disabilities
- Denied opportunity for equitable participation due to disability or inability to gain access
- Provision of fewer services or benefits and/or inferior services or benefits to individuals protected under ADA
- Differential exposure of protected groups to environmental hazards
- Patterns of unequal treatment

This procedure explains each stage of the complaint process for formal and informal ADA charges, communicates

the rights and responsibilities of the Complainant and states the responsibilities of MARTA. Informal charges and formal complaints should be filed within 180 calendar days of the event, which forms the basis of the claim; if the concern is ongoing, the charge/complaint should be filed within 180 calendar days of the last occurrence.

This procedure does not preclude the right of any Complainant to file complaints directly with the Federal Transportation Administration (FTA) or to seek private legal representation. The time required to process investigations will vary depending on the complexity of the issue; however, every effort will be made to ensure a speedy resolution of all complaints at the lowest possible level within 90 business days.

The option of informal mediation meeting(s) between the affected parties may be utilized for resolution. Compliance with ADA is the responsibility of every MARTA employee. The Department of Corporate Compliance & Engagement (CCE) under the leadership of Paula Nash, Assistant General Manager, monitors compliance, reporting, investigation, and program administration.

Processing of Informal Complaints

Intake of informal customer complaints is received and documented in the MARTA C.R.M by a Customer Service Center employee. Complaints are made by telephone calls, emails, letters, walk-ins, Board Meetings, Public Hearings, social media, outreach events, and the Customer Comment link on the MARTA website www.itsmarta.com. Complaints can be made by calling (404) 848-5000, via email to custserv@itsmarta.com, on <https://www.facebook.com/MARTATransit>, <https://www.instagram.com/martatransit/>, <https://twitter.com/MARTAservice> or by mail to MARTA Customer Service Center, 2424 Piedmont Road, Atlanta, Georgia 30324.

The Customer Care Center employee will obtain detailed information regarding the incident, who, what, when, where, and why. Each report is assigned a unique ID number provided to the customer and used for tracking the report. All reports should be assigned and forwarded to the appropriate department within 2 hours of receipt.

Customers reporting a concern (informal complaint) will be responded to within 10 business days from initial contact. The time required to process investigations will vary depending on the complexity of the issue; however, every effort will be made to ensure a speedy resolution of all complaints at the lowest possible level within 90 business days. Denise Brown, Title VI Administrator – 404-848-5240 will monitor the complaint to ensure proper assignment, processing, investigation, resolution, and complainant close-out has occurred.

There is no right to appeal the resolution of an informal charge. However, the party reserves the right to file a formal complaint within 180 business days.

Processing Formal Complaints

Intake of formal complaints is generated through verbal or written communication of a concern presented to MARTA staff. Any MARTA employee who receives a complaint of this type will direct the Complainant to the Department of Corporate Compliance & Engagement (CCE). CCE staff will provide a formal complaint form to the Complainant. A complainant may sign and submit the completed complaint form to Hakeem Muhammad, EEO Manager – 404-848-5240. The EEO Manager shall review the matter to determine ADA jurisdiction, assign an investigator if it is determined that the matter merits investigation, and monitor response dates. The Investigator shall enter the complaint into the database.

Jurisdiction will be determined based on information provided in the written complaint. A complaint shall be investigated unless:

- It fails to state facts that could establish intentional unequal ADA treatment as described in the definitions section of this procedure.
- The Complainant is not an individual with a disability.

- If a determination is made to ensure that the matter is outside the scope of the ADA, CCE will notify the customer and the affected department in writing within a reasonable period.

The assigned Investigator will take the following steps:

- Identify the basis of the alleged unequal treatment
- Ascertain what, where, when, and why the alleged unequal treatment occurred
- Identify and interview all relevant parties, review documents, and make site visits to obtain information.

Upon conclusion of a thorough investigation, the Investigator will prepare a report to summarize findings and a proposed resolution. The investigative report should be submitted to Paula Nash, Assistant General Manager (AGM) of CCE within 10 business days after the investigation is complete.

The AGM of CCE will review the investigative report and accept, reject, or modify it, consulting with the affected department to share preliminary findings and develop a proposed resolution. The AGM of CCE/or designee will also provide written notification of the findings and MARTA's proposed resolution, if any, to the Complainant, with copies sent to the affected department(s).

If you believe you have experienced discrimination, please complete the ADA Complaint Form and return a signed copy to:

Metropolitan Atlanta Rapid Transit Authority (MARTA)
Department of Corporate Compliance & Engagement
2424 Piedmont Road, NE
Atlanta, GA 30324
404-848-5420

Attn: Denise Brown, Title VI Administrator

The Complaint has the right to appeal to the Federal Transit Administration or seek private legal representation:

Federal Transit Administration
East Building
1200 New Jersey Avenue, SE
Washington, DC 20590
Main number: (202) 366-4043
TTY = 1-800-877-8339

Retention

In compliance with 49 CFR 27.121 (b), all ADA complaints shall be kept on file for a minimum of one year, and a record of such complaints, which may be in summary form, shall be kept for five years.

To obtain this information in another language or an accessible format, call
404-848-4615/ 404-848-5665- TTY.