



# ADA/504

## EXTERNAL COMPLAINT PROCESSING PROCEDURES

Revised March 11, 2009

# MICHIGAN DEPARTMENT OF TRANSPORTATION

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# MICHIGAN DEPARTMENT OF TRANSPORTATION

## PROCESSING PROCEDURES FOR EXTERNAL ADA/504 COMPLAINTS OF DISCRIMINATION

### I. PURPOSE

To specify the process to be employed by the Michigan Department of Transportation (MDOT) to investigate complaints, while ensuring due process for complainants and respondents.

### II. APPLICABILITY

The procedures outlined herein apply to complaints filed directly with MDOT for alleged discrimination on the basis of disability. Complaints against local agency federal aid sub-recipients will be referred to the Federal Highway Administration (FHWA) for investigation. Complainants may also choose to file complaints against MDOT directly with FHWA. Complaints filed directly with the FHWA for investigation may be addressed to:

Civil Rights Program Manager  
Federal Highway Administration  
315 W. Allegan Street, Room 201  
Lansing, Michigan 48933

### III. AUTHORITIES (See Appendix A)

### IV. DEFINITION

Discrimination involves any act or inaction, whether intentional or unintentional, in any program or activity which results in disparate (unfavorable) treatment, disparate impact, or perpetuating the effects of prior discrimination based on disability or failing to make a reasonable accommodation.

An act (or action) whether intentional or unintentional, through which a person in the United States, based on disability has been subjected to unequal treatment under any program or activity, or service under Section 504 of the Rehabilitation Act of 1973, or under Title II of the Americans With Disabilities Act of 1990.

### V. FILING COMPLAINTS

#### A. Persons Eligible to File

Any person who believes that he or she or any specific class of person(s) has been subjected to discrimination prohibited by any of the authorities listed in Appendix A, based upon disability may file a written complaint. The complaint may be filed by the affected individual or a representative and must be reduced to writing and sent to MDOT's ADA/504 Coordinator:

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Ms. Cheryl Hudson  
ADA/504 Coordinator  
Michigan Department of Transportation  
P.O. Box 30050  
Lansing, Michigan 48909

B. Time Limits for Filing

A complaint must be filed no later than 180 days after the date of the alleged discrimination or it must state that the discrimination is ongoing.

C. Form of Complaints

Complaints shall be in writing and signed by the person(s) or representative and include the complainant's name, address, and telephone number. Allegations of discrimination received by fax or e-mail will be acknowledged and processed. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing (Appendix B-1, Complaint Form).

## VI. PROCESSING COMPLAINTS

A. Responsibilities

1. MDOT

- a. MDOT's ADA/504 Coordinator will acknowledge receipt of all complaints filed with the department. The allegation will be analyzed and the complainant notified of those aspects accepted for investigation (Appendix C-Acknowledgment Letters).
- b. Complaints filed under the Americans with Disabilities Act (ADA) will be assigned to the appropriate Region ADA/504 Coordinator for investigation. The MDOT ADA/504 coordinator will maintain the Record of Complaints (Appendix E) for all ADA complaints.
- c. A copy of the complaint, together with a copy of the MDOT report of the investigation, shall be forwarded to FHWA's Michigan Division Office within 60 business days of the date the complaint was received by MDOT.

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## B. Receipt and Acceptance

Upon receipt of a complaint, MDOT's ADA/504 Coordinator will determine the region coordinator assignment. The region coordinator will determine whether there is a need for additional information. Complaint numbers will be assigned by MDOT's ADA/504 Coordinator. MDOT's ADA/504 Coordinator will acknowledge receipt of all complaints received within 10 business days of receipt.

Acceptance of a complaint will be determined by:

1. Whether the complaint is timely filed
2. Whether the allegations involve discrimination based on disability
3. Whether the allegations involve an MDOT program or activity.

## C. Time Frames

1. A copy of the complaint, together with a copy of the MDOT report of investigation, shall be forwarded to the FHWA's Michigan Division Office within 60 business days of the date the complaint was received by the department. All complaints shall be investigated and an investigative report issued to all parties within 180 days from the initial receipt of the complaint.
2. Within 90 business days following completion of the investigative report, MDOT will take action in resolving deficiency status and reduce to writing the remedial action deemed necessary.

The written determination will include:

- a. A description of the complaint.
- b. A finding of facts from the investigation of the complaint.
- c. A description of how the complaint will be resolved.
- d. When the complaint will be resolved.

## D. Dismissals

A complaint may be dismissed for the following reasons:

1. The complaint is untimely filed.
2. The complaint does not allege a basis covered by the statutes for which MDOT is responsible.
3. The complaint does not allege any harm with regard to covered programs or statutes.

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4. The complainant requests the withdrawal of the complaint.
5. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
6. The complainant cannot be located after reasonable attempts.
7. The complainant fails to accept a resolution determined by the affected Region ADA/504 Coordinator and MDOT's ADA/504 Coordinator.
8. The complainant has filed a legal action in Federal District Court with the same basis(es) and issue(s) involved in the complaint.
9. The same complaint allegations have been filed with another federal, state, or local agency.

## E. Final Decisions

1. All final decisions and dismissals will be issued by MDOT's ADA/504 Coordinator.
2. The Region ADA/504 Coordinator will forward the investigative report, investigative file, and a recommended decision to MDOT's ADA/504 Coordinator.

## VII. COMPLAINT INVESTIGATIONS

### A. Responsibilities

1. MDOT
  - a. Complaints filed directly with MDOT shall be investigated utilizing procedures outlined in this document.
  - b. A copy of complaints filed directly with MDOT against MDOT shall be forwarded to FHWA's Michigan Division Office.
  - c. The Region ADA/504 Coordinators will submit their investigative reports, investigative files, and recommended decisions to the MDOT's ADA/504 Coordinator for review, approval, and issuance of the determination.

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## 2. REGION COORDINATORS

- a. Region coordinators assigned a complaint for investigation shall obtain project records, statements from involved persons from within or outside MDOT, and other evidence needed to ascertain the validity of allegations raised in the complaint. Cooperation by involved persons is required. All refusals of cooperation must be documented. Appropriate action must be initiated to address the issue in question.
- b. Within 60 business days of the completion of the investigation, region coordinators shall analyze the evidence, coordinate with disinterested program personnel as necessary, and complete and submit a report of findings of facts with a recommended decision to the MDOT ADA/504 Coordinator.

### B. Scope

Unless the evidence clearly shows the need to expand the issue, investigations shall be confined to the issues and facts relevant to the allegations in the complaint.

### C. Cooperation with the Region Coordinator

All MDOT and contracted personnel must fully cooperate with the Region Coordinator in obtaining information relevant to the investigation.

#### 1. Access to Sources

The region coordinator shall have access to all records, documentation, and other sources of information pertinent to the investigation.

#### 2. Records in Possession of Third Party

In the event that requested information is in the exclusive possession of another agency, institution, or person which or who refuses or fails to furnish this information, the region coordinator shall set forth in the report the efforts made to obtain the information, including the identity of persons not cooperating in the investigation.

### D. Findings of Non-Compliance/Compliance

#### 1. Finding of Non-Compliance (Appendix J)

In the event MDOT concludes there is non-compliance with the laws/regulations as alleged, the investigative report will outline the

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recommendations for corrective action. The Region ADA/504 Coordinator will propose an adequate time frame to comply with the recommendations.

## 2. Finding of Compliance (Appendix K)

In the event MDOT concludes that the department is in compliance with laws/regulations and the complainant disagrees, the complainant may, if dissatisfied, appeal the finding as stated below.

## E. Appeal Rights (Appendix B-2)

An appeal may be filed with MDOT's ADA/504 Coordinator in writing within 30 business days of notification of a Finding of Compliance/Non-Compliance. The complainant must include reason(s) for disagreement with the MDOT findings. The MDOT ADA/504 Coordinator will coordinate an appeal review with FHWA and an MDOT reviewer not previously involved in the initial review. A final decision will be rendered within 30 business days. The complainant has the right to subsequently file a separate complaint with FHWA for the same allegation against MDOT. Complaints filed directly to FHWA for investigation may be addressed to:

Civil Rights Program Manager  
Federal Highway Administration  
315 W. Allegan Street, Room 201  
Lansing, Michigan 48933

## F. Records:

MDOT shall maintain records of external complaints filed with them. The record should contain:

1. The complaint (original and/or amended).
2. The date the complaint was filed.
3. The investigative report.
4. The complaint disposition and date.
5. Documents, correspondence, and other pertinent information.
6. All Freedom of Information Act (FOIA) requests must be redacted in accordance with the Privacy Act.
7. Closed case files shall be maintained for five years, then either archived or destroyed.



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## VIII. INVESTIGATIVE PROCESS

### A. Investigative Plan (Appendix F)

The Region Coordinator shall prepare an Investigative Plan (IP), which is a working document intended to define the issues and lay out the plan to complete the investigation. The IP is an internal document for use by the Region Coordinator to keep the investigation on track and focused on the issues and likely sources of evidence or corroboration. The IP should follow the outline below.

1. Complainant(s) name and address.
2. Allegation(s)/ Issues(s).
3. Background.
4. Name of person(s) to be interviewed and issues of which they have first-hand knowledge.
5. Questions for the complainant.
6. Questions for the respondent.
7. Question for the witness
8. Evidence to be obtained during the investigation.

### B. Region Investigative Log (Appendix G)

An investigative log shall be maintained, which documents all activity related to the complaint investigation. (Appendix G--Investigative Log)

### C. Interviews

Interviews shall be conducted with the complainant and the appropriate MDOT personnel and witnesses during the investigative process.

#### 1. Preparing for the Interviews

The primary objective during the interview is to obtain information from persons who can provide information that will either support or refute the allegations. A list of major questions should be prepared that address the issues involved in the complaint. During the course of interviews, different

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perceptions by interviewees may produce additional questions that should be revisited with earlier interviewees.

## 2. Persons to be Interviewed (Appendix H-Formal Statement)

### a. Complainant(s)

Complainants are interviewed to gain a better understanding of the situation outlined in the complaint of discrimination. Complaints may be received through the mail. The Region Coordinator should contact the complainant to ensure that he/she understands the complainant's concern, as it may be totally different from what was written in the complaint.

It is best to interview the complainant before completing the IP. However, if this cannot be done, the region coordinator must be ready to make any changes, as appropriate, to the IP based on any new information provided by the complainant.

### b. Respondent(s)

MDOT is generally the Respondent in charges of discrimination and includes its agents. If an agent of the employer (MDOT) is named in the charge, they must be interviewed to provide an opportunity for response to the issues raised by the complainant, as well as to get an understanding of the Respondent's involvement or knowledge of the issue cited in the complaint.

The Region Coordinator should also question Respondent regarding resolution opportunities.

### c. Witness(es)

The complainant or Respondent may have persons they wish the region coordinator to contact. Interview individuals who have information relevant to the issues raised in the complaint of discrimination. The Region Coordinator will determine whether the testimony to be provided is relevant.

The Region Coordinator will also determine when enough interviews have been conducted.

## D. On-Site Visit

An on-site investigation should be conducted when:

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1. Personal contact with the complainant and/or the respondent may yield information and clarification that might not otherwise be discovered by reviewing written documents or speaking over the telephone.
2. It is necessary to review the physical environment.
3. More effective communication can be established with representatives and witnesses of the respondent and the complainant.
4. Documentation can only be examined on-site for reasons of convenience, cost, format, or volume.

## E. Evidence

Evidence requested shall be related to the issues raised in the complaint. An evidence request shall contain some or all of the following:

1. The policies and procedures regarding the practice about which the complainant is concerned;
  - a. All documents pertaining to the Respondent's dealings with the Complainant in the situation complained of.
  - b. Documents which show how others who are, both similarly situated or not were treated.
  - c. Respondent's reason for the action taken.
  - d. The identities and positions of persons whose actions gave rise to the complaint.

## 2. Analysis of Data

Often, data must be analyzed to determine whether a violation has occurred. When analyzing data, the region coordinator must:

- a. Review what happened to complainant.
- b. Compare complainant's treatment with the appropriate policies and procedures.
- c. Compare complainant's treatment with others in the same situation.
- d. Review respondent's reason for the treatment afforded complainant.

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- e. Compare respondent's treatment of complainant with the treatment afforded others. (Both the respondent and the complainant must be contacted for additional information to allow each of them to confirm or rebut the assertions of the other party.)

### 3. Writing the Investigative Report (Appendix I)

The region coordinator shall prepare an investigative report setting forth all of the relevant facts obtained during the investigation. The investigative report shall include a finding for each issue and recommendations where necessary. The investigative report shall include:

- a. Complainant(s) name and address.
- b. Respondent's name and address (*Region Coordinator*).
- c. Applicable laws/regulations (*ADA/504, MDOT Standards, ADAAG standards, etc.*).
- d. Basis/bases of claim (*Basis is "disability," (Examples; Failure to accommodate, discrimination, etc.)*).
- e. Issue(s) (*Specific details of complaint; steep ramp, inadequate meeting accommodations, etc.*).
- f. Findings for each issue (*site investigation results, measurements, site conditions, etc.*).
- g. Conclusion for each issue (*comparison of findings with requirements, technical feasibility, etc.*).
- h. Recommended decision (*Admission or denial of claims*).
- i. Recommendations (if applicable) for corrective actions and schedule).

The investigative report shall be reviewed and a final decision issued by the MDOT ADA/504 Coordinator. A copy of the investigative report shall be provided to the complainant.

# APPENDICES

## A-K

**NOTE:** Letters are not all inclusive. Others may be added.

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## LIST OF APPENDICES

### APPENDIX

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B-2.....	Appeal Form
C-1.....	.Acknowledgment Letter to Complainant
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C-3.....	... Request for Additional Information
D.....	Referral Letter to Region Office for Investigation
E.....	..Record of Complaints
F.....	.Sample Investigative Plan
G.....	.Region Investigative Log
H.....	Formal Statement
I.....	Investigative Report
J.....	.Notice of Non-Compliance to Complainant
K.....	.Notice of Compliance to Complainant
L.....	Timeline

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## APPENDIX A-AUTHORITIES

### NONDISCRIMINATION

#### NONDISCRIMINATION STATUTES

**Section 504 of the Rehabilitation Act of 1973, 29U.S.C. 790, provides:**

No qualified individual with a disability shall, by reason of such disability, be excluded from, denied the benefits of, or be subjected to discrimination under any program or activity that receives Federal financial assistance.

**Title II of the Americans with Disabilities Act of 1990, P.L. 101-336, provides:**

No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or local government.

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## APPENDIX B-1 COMPLAINT FORM

### ADA/504 Discrimination Complaint

Name	Phone	Name of person(s), or public facility, program, activity, or service that are alleged as the cause or source of discrimination against you.
Address (Street No., P.O. Box, Etc.)	Location and position of person (if known) and/or location of non-compliant facility.	
City, State, Zip	City, State, Zip	
Is disability the basis of the alleged discrimination?                      Yes                      No		Date of Alleged Incident
<p>Explain as briefly and clearly as possible, what happened, and how you were discriminated against. Indicate who or what was involved. Be sure to include how other persons were treated differently than you. Also, attach any written material or documents pertaining to you case.</p> <p>Provide the name(s) of any person(s) or witnesses you would like the investigator to contact.</p>		
Signature	Date	



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## APPENDIX B-2 APPEAL FORM

### ADA/504 Discrimination Complaint Appeal

<b>Name</b>	<b>Phone</b>	<b>Date of MDOT Letter Providing Notice of Finding:</b>
		<b>Complaint Reference No. Provided on MDOT Notice Letter:</b>
<b>Address (Street No., P.O. Box, Etc.)</b>		
<b>City, State, Zip</b>		
<b>Explain the reason(s) for your appeal. Include reason(s) for disagreement with MDOT findings.</b>		
<b>Signature</b>	<b>Date</b>	

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## APPENDIX C--ACKNOWLEDGMENT LETTERS

C-1

### ACKNOWLEDGMENT LETTER TO COMPLAINANT

#### LETTERHEAD

Complainant  
Street Address  
City, State, Zip Code

Dear:

The Michigan Department of Transportation (MDOT), is in receipt of your letter dated \_\_\_\_\_ in which you allege violations of Title II of the Americans with Disabilities Act of 1990 and/or Section 504 of the Rehabilitation Act of 1973.

Your complaint has been transferred to the \_\_\_\_\_ Region Office located in \_\_\_\_\_ for investigation. Future correspondence should be forwarded to the following address:

Region ADA/504 Coordinator  
Street Address  
City, State, Zip Code  
Telephone Number

If the issue identified in the complaint has been resolved or you are no longer interested in pursuing the matter, please contact me at \_\_\_\_\_.

Sincerely yours,

MDOT ADA/504 Coordinator

Ccs  
Or  
bccs

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C-2

## REJECTION LETTER TO COMPLAINANT

### LETTERHEAD

Complainant  
Address  
City, State, Zip Code

Dear:

This acknowledges receipt of your complaint of discrimination filed with the Michigan Department of Transportation (MDOT). After a thorough review of your complaint, it has been determined that the matters raised in your complaint are not related to Title II of the Americans with Disabilities Act of 1990 and/or Section 504 of the Rehabilitation Act of 1973. Therefore, we have closed your case and will take no further action in this matter.

### ADD THE FOLLOWING STATEMENT, IF APPROPRIATE:

**However, we have referred your complaint to \_\_\_\_\_ since it appears that agency may have jurisdiction over the matter.**

Sincerely yours,

MDOT ADA/504 Coordinator

Ccs or bccs

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C-3

## ACKNOWLEDGMENT AND REQUEST FOR ADDITIONAL INFORMATION FROM COMPLAINANT

### LETTERHEAD

Complainant  
Address  
City, State, Zip Code

Dear:

This acknowledges receipt of your complaint of discrimination filed against the Michigan Department of Transportation. After a preliminary review of your complaint, it has been determined that additional information is needed from you in order to more fully understand the issues raised in your complaint. Please provide \_\_\_\_\_ to this office by (Date). Failure to respond may result in dismissal of your complaint.

If you have any questions regarding this request or any of the information contained in this letter, you may contact me at \_\_\_\_\_.

Sincerely,,

Region 504/ADA Coordinator

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**D**

## REFERRAL LETTER TO REGION OFFICE FOR INVESTIGATION

### LETTERHEAD

Region ADA/504 Coordinator

Address

City, State, Zip Code

Dear:

MDOT is in receipt of a complaint of discrimination filed by \_\_\_\_\_. The complainant alleges \_\_\_\_\_.

We are forwarding the complaint to your office for investigation in accordance with Title II of the Americans with Disabilities Act of 1990 and/or Section 504 of the Rehabilitation Act of 1973.

Since the location of the alleged violation is within your region, we are requesting that your office conduct an investigation of this complaint and provide us with your recommended findings along with the investigative file.

If you have any questions regarding this referral, you may contact me at \_\_\_\_\_.

Sincerely,

Cheryl Hudson,  
Equal Employment Opportunity Officer  
MDOT ADA/504 Coordinator

Enclosure

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## APPENDIX E - RECORD OF COMPLAINTS (CENTRAL ADA/504 COORDINATOR)

ADA/504 Record of Complaints								
* Complaint No.	Date of Incident	Date Complaint Received	Investigated by (Region and Coordinator)	Date Resolved	Date Report Completed	Date Submitted to ADA/Coordinator	Date Complainant Notified of Disposition	Brief Description of Complaint
02-08-SW-01	Ongoing	02-08-08	Southwest – M. Silver	07-15-08	03-07-08	03-14-08	03-21-08	Non-compliant sidewalk ramp.

\* Complaint Numbering Format: month- year- region- sequential number.  
 Region Codes: B=Bay, G=Grand, M=Metro, N=North, S=Superior, SW=Southwest, U=University

# APPENDIX F-SAMPLE INVESTIGATIVE PLAN

## INVESTIGATIVE PLAN

### I. COMPLAINANT

*Michigan Paralyzed Veterans of America  
123 South Street  
Anywhere, USA 14456*

*Ms. Jane Doe, President*

### II. RESPONDENTS

*MDOT University Region  
1409 ABC Boulevard  
Anywhere, USA 14457*

*Mr. Region Coordinator  
University Region ADA Coordinator*

### III. APPLICABLE LAW

*ADA of 1990, Section 504 Rehabilitation Act of 1973*

### IV. BASIS Disability

### V. ISSUES

- 1. Complainants allege that the Michigan Department of Transportation (MDOT) does not provide accessible accommodations at public meetings.*
- 2. Complainants allege that MDOT has provided non-compliant sidewalk ramps at the corner of M-123 and Jones St. in the City of Lansing.*
- 3. Complainants allege that the MDOT construction project on M-123 does not provide alternative accessible routes.*

VI. **BACKGROUND**

1. *Public meeting regarding Job No. 1234 was held on 08/08/08 at Town Hall Auditorium 123 Main Street. One accessible entrance was provided at the rear door. This door remained locked until 30 minutes prior to the scheduled meeting.*
2. *Sidewalk ramps were upgraded along M-123 in the City of Lansing in conjunction with resurfacing on Job No. 1234. . . . .*
3. *Bridge reconstruction on B02 of 1234 required a road closure and detour of all traffic. Pedestrian options for the project were . . . .*

VII. **INTERVIEWS**

*On-site interviews will be conducted with appropriate representatives for Complainants, and Respondent.*

**Questions for Complainant**

*The issues outlined in the complaint will be discussed with the Complainants.*

**Questions for MDOT Representatives**

1. *Were there accessible accommodations at the public meeting site?*
2. *Were the sidewalk ramps constructed according to the MDOT Standard Plan?*
3. *Were there technical feasibility issues in constructing the sidewalk ramps?*
4. *Was an accessible alternate pedestrian route provided during construction?*
5. *Was a reasonable alternate route feasible?*

VIII. **EVIDENCE TO BE OBTAINED DURING THE INVESTIGATION**

**Issue #1**

*Complainants allege that the Michigan Department of Transportation (MDOT) does not provide accessible accommodations at public meetings.*

**Documents Needed**

1. *Meeting announcement including site and special needs request opportunities.*
2. *Assurance of accessibility from building manager or supervisor.*
3. *Photos.*



**Issue #2**

*Complainants allege that MDOT has provided non-compliant sidewalk ramps at the corner of M-123 and Jones Street, in the City of Lansing.*

**Documents Needed**

*Plans, photos, measurements, and standards.*

**Issue #3**

*Complainants allege that the MDOT construction project on M-123 does not provide alternative accessible routes.*

**Documents Needed**

*MOT plan, photos, etc.*



**APPENDIX H-FORMAL STATEMENT**

**FORMAL STATEMENT**

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_

**Telephone Number: Day** \_\_\_\_\_ **Evening** \_\_\_\_\_

**Place of Employment** \_\_\_\_\_

**Position** \_\_\_\_\_ **Date of Hire** \_\_\_\_\_

**STATEMENT**

**Page** \_\_\_\_\_ **of** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Region Coordinator** \_\_\_\_\_ **Date** \_\_\_\_\_

Add additional pages as necessary.

## **APPENDIX I-INVESTIGATIVE REPORT**

### **WRITING THE INVESTIGATIVE REPORT**

- **COMPLAINANT(S) NAME AND ADDRESS**
- **RESPONDENT(S) NAME AND ADDRESS**
- **APPLICABLE LAW/REGULATION**
- **BASIS**
- **ISSUES**
- **FINDINGS FOR EACH ISSUE**
- **CONCLUSION FOR EACH ISSUE**
- **RECOMMENDED DECISION**
- **RECOMMENDED CORRECTIVE ACTION (IF APPLICABLE)**

**SAMPLE**  
**INVESTIGATIVE REPORT**

**I. COMPLAINANT**

*Michigan Paralyzed Veterans of America  
2000 South Street  
Anywhere, USA 00000  
555-111-1234*

**II. CLASS MEMBERS**

*Mr. John Doe  
Mr. Jim Doe  
Ms. Jane Doe*

**III. RESPONDENT**

*Michigan Department of Transportation  
University Region  
125 East Anywhere Street  
Anywhere, USA*

*Mr. Region Coordinator  
University Region ADA Coordinator*

**IV. APPLICABLE LAW**

*Title II of the Americans with Disabilities Act of 1990*

**VI. BASIS**

*Disability*

**VII. FINDINGS**

**Issue # 1**

*The Michigan Paralyzed Veterans of American alleges that MDOT discriminated against disabled Americans by constructing non-compliant sidewalk ramps when they resurfaced M-123 between First and 10<sup>th</sup> Street in the City of Somewhere.*

**Analysis**

*Title II of the ADA of 1990 prohibits discrimination based on disability in all aspects of life including among other items, transportation and public accommodations. This applies to new construction and alteration of roadways. The resurfacing of M-123 qualifies as an alteration requiring ADA compliance of sidewalk ramps.*

*A meeting was held with the complainant and the Lansing TSC Delivery Engineer to locate and evaluate the sidewalk ramps in question.*

*The following ramps and alleged deficiencies were identified:*

*Tabulation of Sidewalk Ramps..*

*Of these four ramps, one was found to be in full compliance, two non-compliant, and one compliant to the extent feasible.*

**VII. DECISION**

*Based on the foregoing, it is reasonable to conclude that the Complainants have been discriminated against as a result of the construction of two non-compliant sidewalk ramps located at \_\_\_\_\_.*

*Having determined that there is reasonable cause to believe that the allegations raised by the Complainants are to a degree true, MDOT is required to take the necessary action with 90 business days of submission of this report.*

**RECOMMENDATIONS**

*This project has been closed out. Therefore, the contractor cannot be recalled. Include reconstruction of the non-compliant sidewalk ramps in an upcoming project in the next construction season.*

**APPROVED BY:**

\_\_\_\_\_  
MDOT ADA/504 Coordinator

\_\_\_\_\_  
DATE

## **APPENDIX J-NOTICE OF NON-COMPLIANCE COVER LETTER TO COMPLAINANT**

### LETTERHEAD

Complainant  
Address  
City, State, Zip code

Dear:

The Michigan Department of Transportation (MDOT) has completed the investigation of the complaint of discrimination which you filed against the department. Based on the evidence reviewed during the investigation, MDOT has concluded that the evidence supports the allegation(s) raised in your complaint of discrimination. A copy of the Investigative Report is enclosed. The department has outlined a list of recommendations to correct the deficiencies found. You will be advised at a later date regarding the actual implementation of the recommendations.

Sincerely,

MDOT ADA/504 Coordinator

**APPENDIX K--NOTICE OF COMPLIANCE COVER LETTER  
TO COMPLAINANT**

LETTERHEAD

Complainant  
Address  
City, State, Zip Code

Dear:

The Michigan Department of Transportation has completed the investigation of the complaint of discrimination which you filed against the\_\_\_\_\_. It is concluded that the evidence obtained during the investigation does not support the allegation(s) raised in your complaint of discrimination. A copy of the Investigative Report is enclosed.

This concludes the department's processing of this matter and no further action will be taken. You may submit an appeal of these findings in writing to this office within 30 business days. Please include the complaint reference number above and state in your request the reason(s) you are in disagreement with the findings.

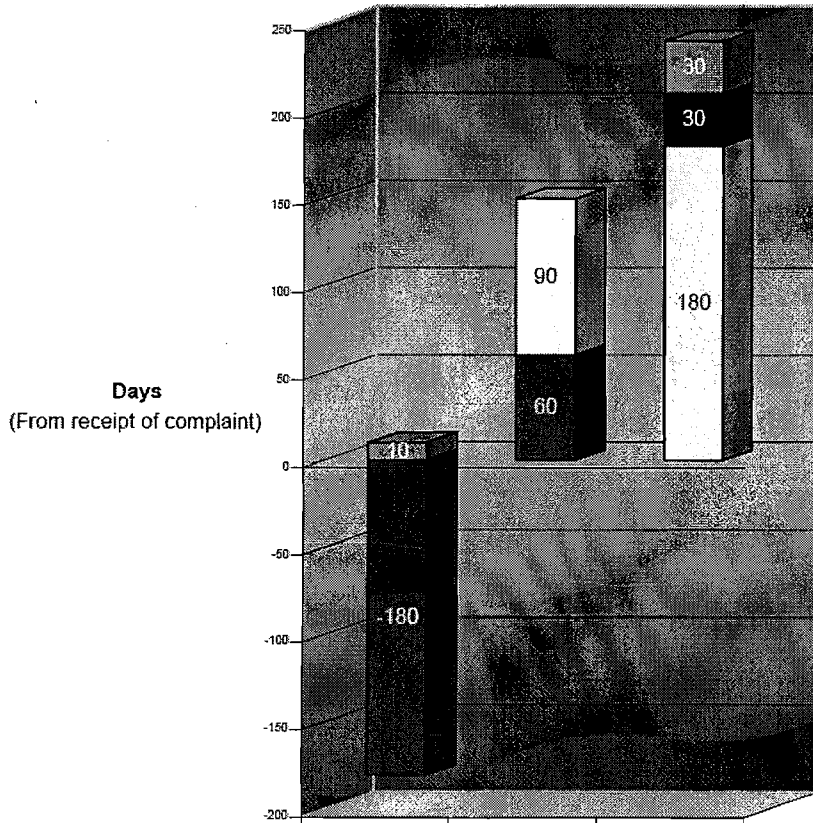
Sincerely,

MDOT ADA/504 Coordinator

Enclosure



## Appendix L - ADA/504 External Complaint Procedure Time Line



	1	2	3
☐ Appeal Response, 30 business days following receipt of appeal.			30
■ Appeal Deadline, 30 business days following conclusion response.			30
☐ Report Conclusions to AII, 180 calendar days following receipt of complaint.			180
☐ Region Correction Plan to Central Coordinator 90 business days following Region Report		90	
■ Region Investigative Report to Central Coordinator & FHWA 60 business days following receipt of complaint.		60	
☐ Acknowledge Receipt 10 business days following receipt of complaint.	10		
■ Complainant Filing Deadline, 180 calendar days following alleged discrimination.	-180		