



Civil Rights

ADA/504 COMPLAINT PROCEDURE

The Virginia Department of Transportation (VDOT) in compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, assures that no qualified disabled person shall solely by reason of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in access to its programs, services, or activities or in any aspect of their operations.

Title II of the ADA applies to State and local government entities, including VDOT; which protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities.

Section 504 of the Rehabilitation Act makes it illegal for the federal government, federal contractors, and state and local governments receiving federal funds to discriminate on the basis of disability. It requires that state and local governments ensure persons with disabilities have equal access to any programs, services or activities receiving federal funding.

As the state agency responsible for providing a public right-of-way accessible for all users of a statewide system that includes approximately 128,000 lane-miles of roadway and hundreds of public facilities throughout the Commonwealth of Virginia, VDOT has ADA responsibilities in separate but equally important areas: employment, public rights of way facilities, and facilities.

VDOT associates, clients, and members of the public who believe that VDOT access ways or facilities consist of barriers that either hinder or impede the public right-of-way based on disability may file a complaint. The Department of Human Resource Management Personnel Policy governs employment-related complaints of disability discrimination.

Procedure:

STEP 1 – Filing an ADA/504 Complaint:

- Individual identifies a problem area that impedes the public right-of-way or constitutes an access issue and submits a written complaint within 60 calendar days of the observed violation.
- The VDOT *ADA/504 Complaint* Form will be available at VDOT offices and the VDOT website. The Complainant may request assistance from staff to complete the form. ADA/504 complaints may be sent to the VDOT Central Office for processing. The complaint must contain:
 - The name, address, and telephone number of the person filing the complaint.
 - The location and detailed description of the problem area or facility.
 - A proposed Agency response that would resolve the issue(s) to the Complainant's satisfaction.
- VDOT shall maintain strict confidentiality of all information to the extent of the permitted law.

STEP 2 – Complaint Review:

Completed ADA/504 Complaints, should be returned to the VDOT ADA/504 Coordinator at the VDOT Central Offices in Richmond by fax (preferred), email, or mail:

VDOT ADA/504 Coordinator
Civil Rights Division
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219
Tel: 804-786-2118
Fax: 804-371-8040

- Upon receipt of the completed complaint, the ADA/504 Coordinator will mail an acknowledgement of receipt notification to the Complainant, within (2) calendar days.
- Within (15) business days after receipt of the complaint, the ADA/504 Coordinator will review the complaint, contacting the Complainant for any clarification, additional information, and the possible resolution.

Note: if additional information is needed, the Complainant should make every effort to contact the ADA/504 Coordinator within (5) business days, as a failure to contact could lead to an administrative closure of the complaint.

STEP 3 – Action required for complaints following the VDOT review:

- The ADA/504 Coordinator or designee will complete the VDOT *CR Review to Section ADA/504 Complaint form*, which detail the nature and severity of the issue, as well as, substantiate the VDOT Civil Rights Division's jurisdiction.
- Within (10) days of conducting the review, the Section ADA/504 Coordinator shall mail the original *CR Response to ADA/504 Complaint* form to the Complainant.
- Within (10) days, the ADA/504 Coordinator will send copies of all relevant documents and forms to the appropriate Agency Officials to provide documentation or aid in resolution of the issue.

STEP 4 – Appeal Process:

- If the response by the ADA/504 Coordinator or designee does not satisfactorily resolve the issue, the Complainant or designee may appeal the decision with 15 business days after receipt of the response to Division Administrator or designee.
- Within 15 business days after receipt of the complaint, the Division Administrator or designee will review the appeal and respond to the Complainant with a final resolution.