

GRIEVANCE PROCEDURE AND ADA NONDISCRIMINATION PROCEDURE

The Washington State Department of Transportation (WSDOT) is required to adopt and publish procedures for resolving grievances arising under Title II of the Americans with Disabilities Act (ADA) in accordance with 28 C.F.R § 35.107(b). These procedures set out a system for receiving, investigating, and resolving complaints related to accessibility in a fair and timely manner. WSDOT's ADA grievance procedure is also available on [WSDOT's Office of Equity and Civil Rights \(OECR\)](#) website. Complaints are not required to be in writing and can be filed verbally by contacting WSDOT's ADA Coordinator. If you need assistance with filing a complaint, you may request assistance from WSDOT's ADA Coordinator, or may have another person write and file the complaint on your behalf. Requested assistance may include requests for communications in formats other than written. Anonymous complaints are also accepted.

A grievance must involve discrimination on the basis of disability to be considered valid. Complainants can also file a complaint with:

- U.S. Department of Justice: <https://www.justice.gov/action-center/report-crime-or-submit-complaint>
- Federal Highway Administration: <https://www.fhwa.dot.gov/civilrights/file/>
- Federal Transit Administration: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>
- Washington Human Rights Commission: <https://www.hum.wa.gov/file-complaint>

Filing Complaints

Although not required, complaints should be submitted in writing within 180 days of the alleged violation. In addition to being signed by the complainant or by someone authorized to sign on their behalf, the following information should also be included:

- Full name and address of the individual who experienced the violation
- Day and evening telephone numbers and email address at which the complainant can be reached
- Name and address of the facility, physical barrier, or person believed to have discriminated
- Specific location of physical barriers, if any, related to complaint
- Brief description of the alleged act(s) of discrimination, the dates occurred, and the names of individuals involved
- Other information believed necessary to support the complaint, including copies of other documents considered relevant

Where to send complaints

A complaint can be submitted to any of the agencies listed here:

Office of Office of Equity and Civil Rights

ADA Compliance Team

Email: WSDOTADA@wsdot.wa.gov

Phone: 855-362-4ADA (4232) (Toll free)

Receive and acknowledge receipt of complaints

Complaints will be reviewed to determine:

- Whether it involves a service, program, facility, or activity for which WSDOT has oversight or enforcement
- Whether there is an enough information to support a decision, or
- Whether additional information is needed

The WSDOT ADA Coordinator will provide the complainant with a notification of acceptance within ten working days from the receipt of the complaint. If the complaint is filed against WSDOT, the FHWA Division Office will review the complaint for completeness and notify the complainant.

Investigate and analyze complaint

Once a complaint is accepted, the WSDOT ADA Coordinator will investigate the merits of the complaint. This investigation should conclude within 60 days. WSDOT maintains a complaint log and each record contains the responses given and the steps taken to resolve the issue. A complaint may be closed for the following reasons:

- Complainant withdraws
- Complainant does not respond to requests for additional information necessary to process the complaint
- Complaint was not received within 180 days of the alleged violation
- Insufficient information

Local governments that receive federal funds from WSDOT are permitted to investigate complaints against the local agency in accordance with their ADA grievance procedures, but a complaint filed with WSDOT about the local agency will be investigated by the WSDOT ADA Coordinator.

Resolve a complaint and communicate

Once the investigation of complaint concludes, the WSDOT ADA Coordinator will report the findings to the complainant. The report should include:

- Name, address and contact information of the complainant
- Name and address of the organization or individual alleged to have discriminated
- Description of the alleged act(s) of discrimination, the dates they occurred and the names of those individuals alleged to be involved
- Findings related to the alleged act(s) of discrimination based on the investigation, if substantiated and why or why not.
- Resulting actions that will occur if the alleged issue(s) is/are found to be substantiated.

Please be sure to let the investigating agency know if a specific format of communications is preferred or necessary, such as large print, Braille, e-mail or audio recording. Oral communications by videophone or TTY are also options. Any individual not satisfied with the response to a complaint related to accessibility to a program, service or activities may appeal for review by the WSDOT ADA Coordinator within ten business days of receiving the initial decision. Reconsideration is only permitted if new facts

are revealed. A request for reconsideration will be reviewed and a final decision rendered by the WSDOT ADA Program Manager. Retaliation by WSDOT staff or any other government organization involved in a complaint is strictly prohibited. Any allegations of retaliation will be promptly and fully investigated.