



AMERICANS WITH DISABILITIES ACT COMPLAINT PROCESS

Pottstown Area Rapid Transit shall not discriminate against any individual with a disability.

The Americans with Disabilities Act (ADA) of 1990 and the Rehabilitation Act of 1983 prohibits discrimination against individuals with disabilities be excluded from, denied the benefits of, or subject to discrimination with regards to employment, transportation, public accommodation, communications, and governmental activities. Under the ADA, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

PART provides options for accessible transportation to persons with a disability making it impossible to use the fixed-route bus system. Paratransit service is offered, with qualifications, to individuals of any age with a disability making it impossible to use the fixed-route bus system. Persons must complete and submit a paratransit application, which may be obtained by contacting PART at 610-970-6512 or takepart@pottstown.org.

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any PART program or activity because of their disability may file a complaint with the Borough Manager.

Federal law requires that PART investigate, track, and report ADA complaints. Complaints must be filed within 180 days from the date of the alleged discrimination and will be investigated within thirty days of submission. We encourage you to file your complaint in writing.

Complaints may be submitted via email, telephone, fax, or in person to the following:

Pottstown Area Rapid Transit
Justin Keller, Borough Manager
100 E. High Street, Pottstown, PA
(610) 970-6511
(610) 970-6509 – Fax
takepart@pottstown.org

Complainants have the right to complain directly to the appropriate federal agency. Every effort will be made to obtain early resolution of complaints. The option of informal meetings between



the affected parties and the Borough Manager will be utilized. All complaints will be investigated promptly. Reasonable measures will be undertaken to preserve any information that is confidential. The Borough Manager will review every complaint, and when necessary, assign a neutral party to investigate.

As of June 13, 2023, the Borough of Pottstown/PART has had no complaints, investigations, or lawsuits within the last three fiscal years: FY20-21, FY21-22, FY22-23.

PROCEDURE

- 1.) The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s). In cases where Complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Borough Manager will interview the Complainant and assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the Complainant or his/her representative.
 - b. Include the date of the alleged act of discrimination date when the Complainants became aware of the alleged act of discrimination; or the date on which the conduct was discontinued or the latest instance of conduct.
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint.
 - d. Federal and state law requires complaints be filed within 180 calendar days of the alleged incident.
- 2.) Upon receipt of the complaint, the Borough Manager will determine its jurisdiction, acceptability, need for additional information, as well as assign the complaint to a PART Responsible Employee to investigate the merit of the complaint.
- 3.) The Complainant will be provided with a written acknowledgment that PART has either accepted or rejected the complaint within five business days.
- 4.) A complaint must meet the following criteria for acceptance:
 - a. The Complaint must be filed within **180 days** of the alleged occurrence.
 - b. The allegation must involve a discrimination against individuals with disabilities being excluded from, denied the benefits of, or subject to discrimination with regards to employment, transportation, public accommodation, communications, and governmental activities.
 - c. The allegation must involve a PART program or activity.



5.) A complaint may be dismissed for the following reasons:

- a. The Complainant requests the withdrawal of the complaint.
- b. The Complainant fails to respond to repeated requests for additional information needed to process the complaint.
- c. The Complainant cannot be located after reasonable attempts.

6.) Once PART's Responsible Employee decides to accept that complaint for investigation, the Complainant will be notified in writing of such determination. The complaint will receive a case number and will then be logged in a database identifying: **Complainant's name, basis, alleged discrimination of the Complainant.**

7.) In cases where PART's Responsible Employee assumes the investigation of the complaint, within 90 calendar days of the acceptance of the complaint, PART's Responsible Employee will prepare an investigative report for review by the Borough Manager. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.

8.) The investigative report and its findings will be reviewed by the Borough Manager, and in some cases the investigative report and findings will be reviewed by PART's legal counsel. The report will be modified as needed.

9.) The Borough Manager and Legal Counsel will make a determination on the disposition of the complaint. Dispositions will be stated as follows:

- a. In the event PART is in noncompliance with ADA regulations remedial actions will be listed.

10.) Notice of the Borough Manager's determination will be mailed to the Complainant. Notice shall include information regarding appeal rights of the Complainant and instructions for initiating such an appeal. Notice of appeals are as follows:

- a. PART will reconsider this determination, if new facts, come to light.
- b. If Complainant is dissatisfied with the determination and/or resolution set forth by PART, the same complaint may be submitted to FTA for investigation. Complainant will be advised to contact the **Office of Civil Rights, at www.transit.dot.gov.**



11.) A copy of the complaint and PART's investigation report/letter of finding and Final Remedial Action Plan, if appropriate will be issued to FTA within 120 days of the receipt of the complaint.

12.) A summary of the complaint and its resolution will be included as part of the ADA updates to the FTA.