



CITY OF RICHMOND, VIRGINIA

MAIN STREET STATION

Grant Management Procedures

FTA Circular Link: [Final FTA ADA Circular C 4710.1.pdf](#)

ADA Complaint/s

Any person who believes himself/herself or any specific class of individuals to be harmed by failure to comply with [Part 27] [Final FTA ADA Circular C 4710.1.pdf](#) may personally or through a representative, file a written complaint with the Main Street Station ADA Coordinator. A Complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the ADA Coordinator for the Main Street Station.

Designation or Responsible Employee

The Main Street Station Property and Facilities Manager is the designated ADA Coordinator for the Main Street Station. The Station's ADA Coordinator is a City of Richmond employee with an office located on site at the Main Street Station. The current Main Street Station Events Manager and ADA Coordinator is Crystal Lowery at crystal.lowery@richmondgov.com and phone number (804) 646- 1862.

Advertising the Process for filing ADA Complaint and record keeping

- The ADA Complaint Process is advertised on the Main Street Station website. The ADA Complaint process and ADA Complaint Forms are also available on site at the Main Street Station multimodal transportation center, first floor "Information" security counter which is manned 24 hours a day, 7 days a week. This Information security counter is located just inside of the Main Street entrance, 1500 E. Main Street Richmond Virginia, 23219.
- The complaints are directed to the ADA Coordinator for the Main Street Station, at crystal.lowery@richmondgov.com and phone number (804) 646-1862.
- The Main Street Station ADA Coordinator will be responsible for maintaining the ADA Complaint log. ADA complaints will be logged in the ADA Complaint Section of the Operation and Maintenance Manual and the records will be maintained for 5 years minimum. In addition, all requests for the ADA Complaint process that are made in person on site, will be logged by the on-site security team. These logs will also be maintained for 5 years minimum in the ADA Complaint Section of the Operation and Maintenance Manual.

- Copies of the ADA Discrimination Complaint Form are available on line and distributed in paper format at the Information Desk at the Main Street Station.
- All ADA complaints received will be reviewed and discussed weekly during the Main Street Station Operation and Facilities Meeting on site at the Station.

NOTE: While there are many potential areas of noncompliance, some of the more common types of ADA complaints include:

- Personnel refusing to allow a rider's service animal in a station or on a vehicle
- Accessibility assistance complaints or staff not trained on equipment
- Comfort while waiting to board AMTRAK at the Main Street Station

Investigations into ADA Complaints

The Main Street Station ADA Coordinator makes a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to FTA C 4710.1 Chapter 12. The investigation includes, where appropriate, a review of the pertinent practices and policies at the Main Street Station, and the circumstances under which the possible noncompliance occurred. To properly investigate complaints, the following information is typically requested:

- Contact information (name, rider ID (if applicable), address, telephone, email, etc.)
- Mobility aid used (if any)
- Date, time, and location of the incident
- Name(s) or ID numbers of agency employee(s) or others
- Description of what transpired
- Other documentation such as photographs

Complaint Review and Informal or Written Response

- All complaints will be reviewed within 30 days.
- All complaints received will be discussed in depth at the Main Street Station Weekly Facilities and Operations Meetings. These meetings are attended by the Main Street Station ADA Coordinator and the Project Manager for the design and construction of the Main Street Station, Jeannie Welliver. If appropriate, the City's Law Department will be consulted as the complaint warrants.

The Main Street Station ADA Coordinator will keep track of dates throughout the complaint resolution process, including:

- Date of receipt
- Date of assignment for investigation
- Video recordings from facility surveillance
- Date of resolution
- Date of communication to complainant, reference: FTA C 4710.1 Chapter 12 – Oversight, Complaints, and Monitoring Page 12-11

Resolution of Matters

- The matter is resolved by informal means whenever possible within 60 days and the informal response is documented and logged.

- If, after an investigation, the Main Street Station ADA Coordinator finds reasonable cause to believe that there is a failure to comply with [Part 27 Code of Federal Regulations Title 49, Subtitle A Part 27 (see bottom of this procedure)*, the Main Street Station ADA Coordinator will inform the recipient and document that response in the Operations and Maintenance log book as aforementioned. • If the Main Street Station’s ADA Coordinator determines that the matter cannot be resolved by informal means, action is taken as provided in § 27.125 Code of Federal Regulations Title 49, Subtitle A Part 27 (see bottom of this procedure). *
- If an investigation does not warrant action pursuant to paragraph (d)(1) of this section, the Main Street Station ADA Coordinator so informs the recipient and the complainant, if any, in writing” within 60 days.

Document Management

Documents will be filed on site for (5) years minimum by the Main Street Station ADA Coordinator as required by the regulation. Regardless of local policies for timelines, an optional good practice is to keep track of dates throughout the complaint resolution process, including:

- Date of receipt
- Date of assignment for investigation
- Video recordings from facility surveillance
- Date of resolution
 - Date of communication to complainant, reference FTA C 4710.1 Chapter 12 – Oversight, Complaints, and Monitoring Page 12-11
- Interviews with transit agency or contractor employees and other riders who may be witnesses to the incident

Follow Up Procedures, Monitoring and possibly additional training

Rider complaints that reveal issues with the provision of service can be indicators that employees may not be trained proficiently. When complaint investigations confirm ADA violations, the following are optional good practices:

- Have established follow-up procedures in place. Transit agencies and their contractors typically employ progressive discipline measures, beginning with re-training and counseling followed by more punitive actions after repeat offenses.
- Use properly investigated complaint findings as case studies in training curricula; these offer real world examples to trainees.
- Include supervisor monitoring and follow-up to confirm that employees understand and properly carry out their responsibilities.
- For ADA violations arising from issues with accessibility equipment, or facilities, review operating procedures, maintenance procedures, and technical specifications to identify any needed changes.

*Copied below for reference:

§ 27.125 Code of Federal Regulations Title 49, Subtitle A Part 27 - Compliance procedure

- (a) General. If there is reasonable cause for the responsible Departmental official to believe that there is a failure to comply with any provision of this part that cannot be corrected by informal means, the responsible Departmental official may recommend suspension or termination of, or refusal to grant or

to continue Federal financial assistance, or take any other steps authorized by law. Such other steps may include, but are not limited to:

- (1) A referral to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking; and
 - (2) Any applicable proceeding under State or local law.
 - (b) Refusal of Federal financial assistance.
 - (1) No order suspending, terminating, or refusing to grant or continue Federal financial assistance becomes effective until:
 - (i) The responsible Departmental official has advised the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means; and
 - (ii) There has been an express finding by the Secretary on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part.
 - (2) Any action to suspend, terminate, or refuse to grant or to continue Federal financial assistance is limited to the particular recipient who has failed to comply, and is limited in its effect to the particular program or activity, or part thereof, in which noncompliance has been found.
 - (c) Other means authorized by law. No other action is taken until:
 - (1) The responsible Departmental official has determined that compliance cannot be secured by voluntary means;
 - (2) The recipient or other person has been notified by the responsible Departmental official of its failure to comply and of the proposed action;
 - (3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period, additional efforts are made to persuade the recipient or other person to comply with the regulations and to take such corrective action as may be appropriate.
- [44 FR 31468, May 31, 1979. Redesignated at 56 FR 45621, Sept. 6, 1991. 68 FR 51391, Aug. 26, 2003]

§27.127 Hearings.

- (a) Opportunity for hearing. Whenever an opportunity for a hearing is required by §27.125(b), reasonable notice is given by the responsible Departmental official by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice advises the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action is to be taken, and the matters of fact or law asserted as the basis for this action, and either:
 - (1) Fixes a date not less than 20 days after the date of such notice within which the applicant or recipient may request a hearing; or
 - (2) Advises the applicant or recipient that the matter in question has been set for hearing at a stated place and time.
- The time and place shall be reasonable and subject to change for cause. The complainant, if any, also is advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing constitutes a waiver of the right to a hearing under section 504 of the Act and §27.125(b), and consent to the making of a decision on the basis of such information as may be part of the record.

- (b) If the applicant or recipient waives its opportunity for a hearing, the responsible Departmental official shall notify the applicant or recipient that it has the opportunity to submit written information and argument for the record. The responsible Departmental official may also place written information and argument into the record.
- (c) Time and place of hearing. Hearings are held at the office of the Department in Washington, DC, at a time fixed by the responsible Departmental official unless he/she determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings are held before an Administrative Law Judge designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).
- (d) Right to counsel. In all proceedings under this section, the applicant or recipient and the responsible Departmental official have the right to be represented by counsel.
- (e) Procedures, evidence and record. (1) The hearing, decision, and any administrative review thereof are conducted in conformity with sections 554 through 557 of title 5 of the United States Code, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving notice subsequent to those provided for in paragraph (a) of this section, taking testimony, exhibits, arguments and briefs, requests for findings, and other related matters. The responsible Departmental official and the applicant or recipient are entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing. Any person (other than a government employee considered to be on official business) who, having been invited or requested to appear and testify as a witness on the government's behalf, attends at a time and place scheduled for a hearing provided for by this part may be reimbursed for his/her travel and actual expenses in an amount not to exceed the amount payable under the standardized travel regulations applicable to a government employee traveling on official business.
- (2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to cross examination are applied where reasonably necessary by the Administrative Law Judge conducting the hearing. The Administrative Law Judge may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record are open to examination by the parties and opportunity is given to refute facts and arguments advanced by either side. A transcript is made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions are based on the hearing record and written findings shall be made.
- (f) Consolidation or joint hearings. In cases in which the same or related facts are asserted to constitute noncompliance with this regulation with respect to two or more Federal statutes, authorities, or other means by which Federal financial assistance is extended and to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under section 504 of the Act, the responsible Departmental official may, in agreement with such other departments or agencies, where applicable, provide for consolidated or joint hearings. Final decisions in such cases, insofar as this regulation is concerned, are made in accordance with §27.129.
- [44 FR 31468, May 31, 1979. Redesignated at 56 FR 45621, Sept. 6, 1991. 68 FR 51391, Aug. 26, 2003]
- §27.129 Decisions and notices.
- (a) Decisions by Administrative Law Judge. After the hearing, the Administrative Law Judge certifies the entire record including his recommended findings and proposed decision to the Secretary for a final decision. A copy of the certification is mailed to the applicant or recipient and to the complainant, if any.

The responsible Departmental official and the applicant or recipient may submit written arguments to the Secretary concerning the Administrative Law Judge's recommended findings and proposed decision.

- (b) Final decision by the Secretary. When the record is certified to the Secretary by the Administrative Law Judge, the Secretary reviews the record and accepts, rejects, or modifies the Administrative Law Judge's recommended findings and proposed decision, stating the reasons therefor.
- (c) Decisions if hearing is waived. Whenever a hearing pursuant to §27.125(b) is waived, the Secretary makes his/her final decision on the record, stating the reasons therefor.
- (d) Rulings required. Each decision of the Administrative Law Judge or the Secretary contains a ruling on each finding or conclusion presented and specifies any failures to comply with this part.
- (e) Content of orders. The final decision may provide for suspension or termination, or refusal to grant or continue Federal financial assistance, in whole or in part, to which this first regulation applies. The decision may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance to which this regulation applies will thereafter be extended unless and until the recipient corrects its noncompliance and satisfies the Secretary that it will fully comply with this part.
- (f) Subsequent proceedings. (1) An applicant or recipient adversely affected by an order issued under paragraph (e) of this section is restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.
- (2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (e) of this section may, at any time, request the responsible Departmental official to restore its eligibility, to receive Federal financial assistance. Any request must be supported by information showing that the applicant or recipient has met the requirements of paragraph (f)(1) of this section. If the responsible Departmental official determines that those requirements have been satisfied, he/she may restore such eligibility, subject to the approval of the Secretary.
- (3) If the responsible Departmental official denies any such request, the applicant or recipient may submit a request, in writing, for a hearing specifying why it believes the responsible Departmental official should restore it to full eligibility. It is thereupon given a prompt hearing, with a decision on the record. The applicant or recipient is restored to eligibility if it demonstrates to the satisfaction of the Secretary at the hearing that it satisfied the requirements of paragraph (f)(1) of this section.
- (4) The hearing procedures of §27.127(b) through (c) and paragraphs (a) through (d) of this section apply to hearings held under paragraph (f)(3) of this section.
- (5) While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (e) of this section shall remain in effect.
- [44 FR 31468, May 31, 1979. Redesignated at 56 FR 45621, Sept. 6, 1991. 68 FR 51391, Aug. 26, 2003]