

Montgomery Area MPO
Procedure for Title VI or Environmental Justice (EJ)
Filing of Discrimination Complaints

1. GENERAL. This document is intended to provide guidance to anyone who has reason to believe they have been discriminated against on the basis of race, color, or national origin where the planning of transportation improvements and services for the Montgomery Area are concerned. This document provides a step by step procedure for filing a timely complaint to the proper authority and describes the process that will be used to investigate and resolve the complaint.

Federal Transit Administration (FTA) guidelines recommend that Title VI and EJ complaints first be filed with the applicant, recipient, or subrecipient of federal funds for resolution at the local level. However, if the complainant is dissatisfied with the resolution by the local responsible authority, the same complaint may be submitted to the Alabama Department of Transportation, the Federal Transit Administration or the Federal Highway Administration for investigation.

Unless resolved at a lower level of government, the final determination of all Title VI and EJ complaints affecting programs administered by the Federal Transit Administration or Federal Highway Administration will be made by the Office of the Secretary, DOT.

2. SUBMISSION OF COMPLAINTS.

- a. Filing Complaints of Discrimination.

- (1) Complainants may submit written complaints to the City Clerk in City Hall which is located at 103 N. Perry Street.

- (2) In cases where the complainant is unable or incapable of providing a written statement, but wishes the City to investigate alleged discrimination, a verbal complaint of discrimination may be made to the City Clerk by calling

- (334) 241-2096. The complainant will be interviewed by a City official who is authorized to receive complaints. If necessary the city official will assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or his/her representative.

- b. Complaint Format.

- (1) All complaints must be in writing and signed by the complainant or his/her representative before action can be taken. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.

- (2) The City will provide the complainant or his/her representative with a written acknowledgement within ten working days that the City has received the complaint. Concurrently, the City will transmit the complaint to the appropriate official at the Office of Civil Rights at the Alabama Department of Transportation to advise of the complaint and initiation of a City investigation to determine if the complaint has investigative merit.

- c. Determination of Jurisdiction and Investigative Merit. The City, based on the information in the complaint and additional information provided by the alleged civil rights violator(s), will determine if the City has jurisdiction to pursue this matter and whether the complaint has sufficient

merit to warrant an investigation. These determinations will be made within fifteen working days after the receipt of the complaint by the City. A complaint shall be regarded as meriting investigation unless:

- (1) It clearly appears on its face to be frivolous or trivial;
- (2) Within the time allotted for making the determination of jurisdiction and investigative merit, the party complained against voluntarily concedes noncompliance and agrees to take appropriate remedial action;
- (3) Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or
- (4) Other good cause for not investigating the complaint exists, e.g., respondent is presently under investigation by another Federal agency.

1 REQUEST FOR ADDITIONAL INFORMATION FROM COMPLAINANT AND/OR RESPONDENT. In the event that the complainant or respondent has not submitted sufficient information to make a determination of jurisdiction or investigative merit, the City may request additional information from either party. This request shall be made within 15 working days of the receipt of the complaint by the City and will require that the party submit the information within 60 working days from the date of the original request. Failure of the complainant to submit additional information within the designated timeframe may be considered good cause for a determination of noninvestigative merit. Failure of the respondent to submit additional information within the designated timeframe may be considered good cause for a determination of noncompliance and subject to possible enforcement action as provided for by Federal laws and regulations pertaining to enforcement actions (UMTA C 4702.1).

2 NOTIFICATION OF DISPOSITION. The City shall notify the complainant, party charged, and primary recipient (if not the respondent) of the disposition within five working days by registered letter:

- a. City Investigation. The City may elect to conduct its own investigation of the complaint. The investigation may be conducted by “desk audit” or an “onsite” investigation. When the City lacks jurisdiction, the City will refer the complaint to the responsible State or Federal agency, informing the complainant of this action.
- b. Referral of the Complainant to FTA or FHWA. Cases determined by the City to have investigative merit may be referred to the cognizant Federal agency with a request for an “onsite” investigation or may be recommended for a comprehensive Title VI review of the respondent.
- c. Priority Complaints. All incoming complaints shall be examined to determine if the discrimination alleged would be irremediable if not dealt with promptly. If such a determination is made, the complaint shall be given priority status. The processing, investigation, and determination of such complaints shall be accelerated to advance significantly the normal completion date of the process.
- d. Investigator’s Preparation. Before beginning the investigation, the investigator shall send a letter of introduction, establishing the times and dates for the “onsite” investigation and interviews. This preparation shall be completed within 30 working days after the assignment has been given to the investigator, contingent upon the investigator’s workload and resources.
- e. Investigative Report. A written report will be prepared by the responsible investigator at the conclusion of the investigation. This report will be reviewed by the City Clerk for thoroughness. The investigative report will include the following:
 - (1) Approval and Notice of Disposition. The City will approve or disapprove the findings and recommendations made by the investigator in the investigative report. The consequent disposition of the complaint will be communicated to the complainant and respondent by letter. In addition, a rationale supporting the disposition made and any recommendations to any party will be included in the

letter.

(2) Informal Resolution. If the Notice of Disposition is issued and finds the respondent in noncompliance, the respondent is required to initiate voluntary remedial actions agreeable to the City (see Chapter VI, paragraph 2, Remedial Actions - UMTA C 4702.1).

(3) Description of the investigation, including a list of the persons contacted by the investigator and a summary of the interviews conducted; and

(4) A statement of the investigator's findings and recommendations.

5. DISPOSITION OF COMPLAINTS.

a. Approval and Notice of Disposition. The City will approve or disapprove the findings and recommendations made by the investigator in the investigative report. The consequent disposition of the complaint will be communicated to the complainant and respondent by Letter. In addition, a rationale supporting the disposition made and any recommendations to any party will be included in the Letter.

b. Informal Resolution. If the Notice of Disposition is issued and finds the respondent in noncompliance, the respondent is required to initiate voluntary remedial actions agreeable to the City (see Chapter VI, paragraph 2, Remedial Actions).

c. Enforcement Procedure. In cases in which all required means of remedial action have failed to bring the respondent into compliance, enforcement procedures will be initiated by the City (see Chapter VI, paragraph 3, Enforcement Procedures).

d. Request for Reconsideration. The respondent may request reconsideration of the City's findings within 30 days of the Notice of Disposition. This request should include any additional information or analysis the respondent considers relevant. The City will inform the respondent of its decision to accept or reject the request within 30 days after its receipt.