



Americans with Disabilities Act (ADA) Policy

Fiscal Year 2021

Updates

#	Date	Name	Comments

WACCAMAW REGIONAL COUNCIL OF GOVERNMENTS (WRCOG) GRAND STRAND AREA TRANSPORTATION STUDY (GSATS) AMERICANS WITH DISABILITIES ACT (ADA) POLICY

INTRODUCTION

“It has been The Federal Highway Administration's (FHWA's) and the Federal Transit Administration's (FTA's) longstanding policy to actively ensure nondiscrimination under Title VI of the 1964 Civil Rights Act in federally funded activities. Under Title VI and related statutes, each Federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, or national origin. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of Federal-aid recipients, subrecipients and contractors whether those programs and activities are federally funded or not.” (United States Department of Transportation)

WRCOG

The Waccamaw Regional Council of Governments (WRCOG) serves as the Rural Planning Organization (RPO). WRCOG is a public agency created by the counties of Horry, Georgetown, and Williamsburg, and the cities of Andrews, Atlantic Beach, Aynor, Briarcliffe Acres, Conway, Georgetown, Greeleyville, Hemingway, Kingstree, Lane, Loris, Myrtle Beach, North Myrtle Beach, Pawleys Island, Stuckey, and Surfside Beach, as enabled by state planning law. The agency was organized in 1969 and has been providing planning, management, and technical assistance to its member governments and local transit service providers since its inception. WRCOG receives federal assistance through South Carolina Department of Transportation (SCDOT) to support rural transportation planning process in the organization's service areas.

Planning Area

WRCOG rural transportation program serves portions of two (2) counties and one (1) entire county including eight (8) municipalities in the rural transportation planning area. WRCOG serves the rural areas (outside of the urbanized areas) in following counties:

Georgetown, SC

Horry, SC

Williamsburg, SC

Board and Committees

WRCOG is governed by the Board of Directors, which is made up of former and current elected officials, as well as appointed members representing nineteen (19) jurisdictions, and makes decisions for the RPO. The Board of Directors appointment is through Legislative Delegation. There are also three (3) ex-officio resident legislator board members appointed under a provision of state law. The rural transportation planning is overseen by the Rural Technical Committee (RTC), which is made up of twenty one (21) members representing sixteen (16) jurisdictions. The RTC provides technical support and makes recommendations to the Board of Directors. Committee membership was determined by the approved committees' bylaws. The committees' responsibilities are:

- The Rural Technical Committee (RTC) provides technical expertise in the development of transportation plans and programs for the rural area. The RTC also provides recommendation to the WRCOG Board of Directors.
- The Board of Directors (BOD) receives, reviews, and takes action (approves, denies, or sends back for reconsideration) on all issues and items brought to it by the WRCOG's planning staff and the Rural Technical Committee. Review and approval responsibilities include the adoption of WRCOG's TIP, LRTP, and UPWP.

GSATS

The Grand Strand Area Transportation Study (GSATS) Metropolitan Planning Organization (MPO) is responsible for carrying out the federally mandated urban transportation planning and programming process in the urbanized area, and developing regional transportation plans. GSATS is the federally designated recipient for Section 5307, 5310, and 5339 funds and is responsible for ensuring that transportation programs utilizing federal funds in the Myrtle Beach-Socastee region are based on a continuing, comprehensive, and coordinated planning process.

GSATS seeks to build a stronger regional community through cooperation, leadership, and planning. Through GSATS leadership, representatives from area jurisdictions meet and discuss concerns and transportation issues in the region, and identify the opportunities for cooperative solutions. These strategies to enhance the effectiveness of local government include:

- A forum for addressing regional objectives and diverse community issues;
- Long-range planning and public policy coordination; and
- Technical assistance and services to enhance the effectiveness of local government.

Planning Area

GSATS serves portions of three (3) counties and fourteen (14) municipalities in the Metropolitan planning area. GSATS boundary includes portions of the following counties:

Georgetown, SC
 Horry, SC
 Brunswick, NC

Board and Committees

GSATS is governed by the Policy Committee which consists of locally elected and appointed members representing seventeen (17) units of local government. GSATS Policy Committee consists of twenty four (24) voting members, twenty (20) locally elected officials, and four (4) appointed members. The appointed members represent the following:

Waccamaw Regional Transportation Authority (Coast RTA)
 South Carolina Department of Transportation (SCDOT)
 South Carolina DOT Commission
 North Carolina DOT Board of Transportation

Transportation planning at GSATS is overseen by the Study Team in the South Carolina portion of the GSATS study area, and the Technical Coordinating Committee (TCC) in the North Carolina portion of the GSATS study area. The Technical Advisory Committee (TAC) serves as the principle review and recommending body to the Policy Committee on projects and issues affecting

the North Carolina portion of the study area. The TCC provides technical support and makes recommendations to the TAC.

For certain activities where issues are particular to North Carolina and/or NCDOT requirements, such as adoption of the Comprehensive Transportation Plan, the TAC exercises final review and approval authority for the MPO.

The Policy Committee receives, reviews, and takes action (approves, denies, or sends back for reconsideration) on all issues and items brought to it by the MPO planning staff, the Study Team, or the TAC. Review and approval responsibilities include the adoption of the MPO's TIP, MTP, and UPWP.

Study Team, TCC, and TAC all provide technical support and recommendations to the Policy Committee. Committee membership is determined by the Memorandum of Understanding and the bylaws of the committees. Policy Committee appointment is by virtue of the office or position being held. Where one (1) entity has two (2) seats, the second seat is by action of the county or municipal council. The Study Team, TCC, and the TAC members are also appointed by virtue of the office or position held.

Benefits of working with the MPO include:

- A voice in key regional decisions;
- Distribution of federal transportation dollars;
- Technical assistance to obtain federal and state funding;
- Education and training opportunities;
- Data to meet special planning needs;
- Access to Geographic Information Systems (GIS) databases;
- Access to data products; and
- Technical expertise.

Subrecipients

Waccamaw Regional Council of Governments (WRCOG) dba Grand Strand Area Transportation Study (GSATS) is a Designated Recipient for FTA Section 5310 Grant Awards for the Myrtle Beach-Socastee Urbanized Area (UZA). Subrecipients for the Section 5310 award sign a Subrecipient Grant Agreement before the funds can pass through GSATS. Section 5310 grants awarded for the Rural Study Area are awarded and administered by South Carolina Department of Transportation (SCDOT) Office of Public Transit (OPT).

THE AMERICANS WITH DISABILITIES ACT (ADA) POLICY

It is the policy of the Waccamaw Regional Council of Governments (WRCOG)/Grand Strand Area Transportation Study (GSATS) to comply with all federal and state authorities requiring nondiscrimination, including, the Americans with Disabilities Act of 1990 (ADA). WRCOG/GSATS does not and will not exclude from participation in; deny the benefits of; or subject anyone to discrimination on the basis of race, color, national origin, sex, age, disability, or income.

The Americans with Disabilities Act (ADA) became law in 1990 and amended in 2008. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life. The ADA gives civil rights protections to individuals with disabilities and guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The ADA is divided into five titles (or sections) that relate to different areas of public life. Title II prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities.

Title II: Nondiscrimination on the Basis of Disability in State and Local Government Services (Federal Code 28 CFR Part 35)

- Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. It applies to all state and local governments, their departments and agencies, and any other subrecipients or contactors. It clarifies the requirements of section 504 of the Rehabilitation Act of 1973, as amended, for public transportation systems that receive federal financial assistance, and extends coverage to all public entities that provide public transportation services. This Title outlines the administrative processes including evaluation, planning, policies, practices, and procedures to prevent ADA discrimination.

The U.S. Department of Transportation enforces regulations governing transit, which includes ensuring that recipients of federal aid and state and local entities responsible for roadways and pedestrian facilities do not discriminate on the basis of disability in highway transportation programs or activities. The department also issues guidance to transit agencies on how to comply with the ADA to ensure that public transit vehicles and facilities are accessible.

All federally-assisted programs will be administered in a manner to guarantee that WRCOG/GSATS, other recipients, subrecipients, contractors, subcontractors, transferees, and other participants in Federal financial assistance comply with all requirements imposed by or pursuant to, civil rights acts and Department of Transportation regulations.

ADA DISCRIMINATION COMPLAINT PROCEDURES

Introduction

Waccamaw Regional Council of Governments (WRCOG) and the Grand Strand Area Transportation Study (GSATS) are responsible for processing discrimination complaints filed under the Civil Rights Act of 1964 and related nondiscrimination laws, as they relate to federally funded programs. Participants and beneficiaries of programs and activities administered by WRCOG/GSATS who feel they have been discriminated against based on disability have a right to file a complaint. Complaints of alleged discrimination will be investigated by the appropriate authority, such as a State or Federal agency or the WRCOG/GSATS Title VI Coordinator.

Filing of Complaints

The complainant may complete the attached form, downloaded and submit form found on the ADA website, or complete the on-line form found at the on ADA website. If the complainant is unable to submit a written complaint, contact the ADA Information Line at 1-800-514-0301 (voice) or 1-800-514-0383 (TTY) for assistance to provide a verbal complaint to be transcribed.

Applicability. These complaint procedures apply to programs, activities, and services, including subrecipients and contractors (e.g., subcontractors and consultants) receiving federal or state funds through DOT.

Eligibility. Any person or class of persons who believes he/she has been subjected to discrimination based on disability may file a written complaint. The law also prohibits intimidation or retaliation against anyone who files a complaint.

Filing Options and Time Limits. Complaints may be filed by the affected individual(s) or a representative and must be filed no later than 180 calendar days after the following:

- The date of the alleged act of discrimination; or
- The date when the person(s) became aware of the alleged discrimination; or
- When there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

In addition to filing a Title II ADA complaint with the WRCOG/GSATS Title VI Coordinator, a complainant may be submitted directly to the following entities:

- U.S. Department of Justice, *950 Pennsylvania Avenue, NW; Washington, DC 20530-000; Department Comment Line 202-353-1555 or Department of Justice Main Switchboard 202-514-2000 or TTY/ASCII/TDD 800-877-8339*
- North Carolina Department of Transportation *Office of Civil Rights, External Civil Rights, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1808 or 800-522-0453*
- South Carolina Department of Transportation *Office of Civil Rights, 955 Park Street, PO Box 191, Columbia, SC 29202, 803-737-6361*

- Federal Highway Administration *North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010*
- Federal Highway Administration *South Carolina Division Office, 1835 Assembly Street, Suite 1270, Columbia, SC, 29201, 803-765-5411*
- Federal Transit Administration *Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590*

Format for Complaints submitted to WRCOG/GSATS. Complaints must be in writing and signed by the complainant(s) or a representative, and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone will be transcribed and provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille. (See ADA DISCRIMINATION COMPLAINT FORM)

Complaint Receipt and Response

The Title VI Coordinator will review the complaint to ensure the complaint is timely filed, that required information is provided, and to determine jurisdiction.

The Title VI Coordinator will record the complaint upon receipt on a log sheet maintained by WRCOG/GSATS. The log shall include the following:

- Name of complainant(s)
- Date complaint was received
- Nature of complaint
- Initial/signature of the agency representative handling the complaint

If the complaint is complete and no additional information is needed, the Title VI Coordinator will forward the complaint to the appropriate jurisdiction. If WRCOG/GSATS is the appropriate jurisdiction, the Title VI Coordinator shall complete the review no later than forty-five (45) calendar days after the date the complaint was received. If the jurisdiction falls under a different agency (FHWA, FTA, SCDOT, NCDOT, etc.), it will be forwarded within fifteen (15) calendar days with a cover letter to the appropriate jurisdiction. A copy of the cover letter will be provided concurrently to the complainant to advise them that the complaint was submitted for investigation.

If the complaint is incomplete, you will be contacted to obtain the needed information. Failure to respond and/or provide the requested information within fifteen (15) calendar days may be considered good cause for a determination of no investigative merit.

WRCOG/GSATS staff will provide appropriate assistance to complainants, including those persons with disabilities or who are limited in English proficiency, in filling out the complaint form.

In instances where additional information is needed for assessment or investigation of the complaint, the complainant will be contacted in writing within ten (10) calendar days.

ADA DISCRIMINATION COMPLAINT FORM



Waccamaw Regional Council of
Governments Grand Strand Area
Transportation Study

Americans with Disabilities Act Discrimination Complaint Form

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address listed.

Complainant Name: _____

Address: _____

City, State and Zip Code: _____

Home Telephone: _____ Cell Phone: _____

Person discriminated against (if other than the complainant): _____

Address: _____

City, State and Zip Code: _____

Home Telephone: _____ Cell Phone: _____

Government, or organization, or institution which you believe has discriminated Name:

Address: _____

City, State and Zip Code: _____

Telephone: _____ Date discrimination occurred: _____

Describe the acts of discrimination providing the name(s) of the individuals who discriminated:

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution? Yes _____ No _____

If yes: what is the status of the grievance? _____

Has the complaint been filed with another bureau of the Department of Justice or any other

Federal, State, or local civil rights agency or court Yes _____ No _____

If yes, Agency or Court: _____

Contact Person: _____

Address: _____

City, State, and Zip Code: _____

Telephone Number: _____ Date Filed: _____

Do you intend to file with another agency or court? Yes _____ No _____

If yes, Agency or Court: _____

Address: _____

City, State, and Zip Code: _____

Telephone Number: _____

Signature: _____ Date: _____

To file an ADA complaint by mail, send this completed form to:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section
Washington, D.C. 20530

To file an ADA complaint by facsimile:
Fax this completed form to: (202) 307-1197