

EXHIBIT 5

ACCESSIBILITY GRIEVANCE PROCEDURE

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a grievance alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Department. It is intended and designed to provide prompt and equitable resolution of grievances alleging noncompliance with, or any action prohibited by, the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794). This procedure applies to all Title II ADA-related grievances regarding facilities owned and controlled by the Department, including Pedestrian Facilities and Park and Ride Facilities. The Department's Personnel Policy governs employment-related complaints of disability discrimination.

Information about the Accessibility Grievance Procedure shall be posted to the Department's website under the "Contact Us" link.

The grievance should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to any of the following Departmental contacts, who have been designated to coordinate Section 504/ADA compliance efforts:

- Charles Wahnou
Caltrans Statewide ADA Coordinator
1823 14th Street
Sacramento, California 95811
Phone (916) 324-1353 or Toll Free (866) 810-6346
FAX (916) 324-1869, TTY 711

- Department District ADA Liaisons, contact information is provided on the Department's website: <http://www.dot.ca.gov/contactus.htm>
- Email: ADA_Compliance_Office@dot.ca.gov

The grievance should be submitted to the Department in writing (by mail, e-mail, or fax) and contain information about the alleged discrimination, condition, policy or practice at issue, such as name, address, phone number of the grievant and location, date, and description of the problem. Alternative methods of filing such as personal interviews or a tape recording of the grievance will be made available for persons with disabilities upon request.

Within 15 working days the Department will respond to the receipt of the grievance in writing or where appropriate, in a format accessible to the grievant (such as large print, Braille, or audio tape). The response will acknowledge receipt of the grievance, provide documentation of the grievance, as understood by the Department, and will include an offer to meet with the grievant to clarify the circumstances of the alleged discrimination, condition, policy or practice at issue.

In the event it is determined that the grievance involves a facility not owned and controlled by the Department, the Department will facilitate the notification of the grievance to the appropriate entity, as expeditiously as possible but in any event within 120 working days.

The time it will take the Department to respond to a grievance will depend on the scope and complexity of the request. However, no later than 180 working days following the date the Department acknowledges receipt of the grievance, the Department will provide a response to the grievant in writing, and, where appropriate, in a format accessible to the grievant. This response will explain the position of the Department and

offer a resolution responsive to the grievance. The response will also inform the grievant/complainant of their right to appeal.

The Department will proceed with the implementation of its proposed resolution unless the grievant files (i.e., by sending an e-mail or fax, or by depositing with a delivery service, or by postmarking a submission via regular mail) a written appeal of the Department's decision within 15 working days.

Within 15 working days following receipt of an appeal, the Department will meet with the grievant to discuss the grievance and the Department's response. Within 15 working days following the meeting between the appellant and the Department, the Department will respond in writing, and where appropriate, in a format accessible to the grievant, with a final resolution of the grievance.

After the recommended resolution is implemented and completed, the Departmental ADA designee will provide notification to the grievant, in writing, and, where appropriate, in a format accessible to the grievant, of completed resolution.

All grievances received by the Department, including any appeals, will be retained by the Statewide ADA Program until the subject matter of the grievance has been fully resolved or for at least three years, whichever is later.