

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Regulation Number: AR-1029 (E)

Computer Title: Title VI English.doc

Effective Date: December 18, 2009

Pages: 13

**TITLE: TITLE VI PROGRAM REGULATION & COMPLAINT
PROCEDURE**

Procedure History

NEW POLICY	SUMMARY OF POLICY	APPROVED
December 18, 2009	New Regulation	DB

I. POLICY

- 1.01 The Santa Cruz Metropolitan Transit District (METRO) is committed to ensuring that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any of its programs, activities, or services on the basis of race, color, national origin, age, sex, sexual orientation, or gender identity. All persons, regardless of their citizenship, are covered under this regulation. In addition, METRO prohibits discrimination on the basis of race, color, national origin, age, sex, sexual orientation, or gender identity in its employment and business opportunities.
- 1.02 METRO will not condone retaliation against an individual for his/her involvement in asserting his/her rights pursuant to Title VI or because he/she filed a complaint or participated in an investigation under Title VI, and/or this regulation.
- 1.03 As a Federal Transit Administration (FTA) fund recipient, METRO will ensure that its programs, policies and activities comply with the Department of Transportation (DOT) Title VI Regulations of the Civil Rights Act of 1964.
- 1.04 METRO will ensure that the level and quality of its transportation service is provided without regard to race, color, national origin, age, sex, sexual orientation, or gender identity.
- 1.05 METRO will promote the full and fair participation of all affected populations in the transportation decision-making process.
- 1.06 METRO will prevent the denial, reduction or delay in benefits related to programs and activities that benefit minority populations or low-income populations.
- 1.07 METRO will make good faith efforts to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, activities, and services on minority populations and low-income populations within METRO's service area.

- 1.08 METRO will ensure that Limited English Proficient (LEP) individuals have access to METRO's programs, activities, and services.
- 1.09 This Regulation shall be maintained in English and Spanish.

II. APPLICABILITY

- 2.01 This policy is applicable to all METRO employees, members of the public and all contractors hired by METRO.
- 2.02 Failure of a METRO employee to follow this policy and procedure shall subject such employee to disciplinary action up to and including employment termination.

III. DEFINITIONS:

- 3.01 **“Adverse Effect”** means having a harmful or undesired effect.
- 3.02 **“Discrimination”** refers to any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub recipient, or contractor that results in disparate treatment, disparate impact, or perpetuates the effects of prior discrimination based on race, color, national origin, age, sex, sexual orientation, or gender identity.
- 3.03 **“Gender Identity”** refers to an individual's gender, or lack thereof, a person self identifies with. It is not necessarily based on biological fact, either real or perceived, nor is it always based on sexual orientation. The gender identities one may choose from include male, female, both, somewhere in between (third gender) or neither.
- 3.04 **“Limited English Proficient (LEP) Persons”** are individuals for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. It includes people who reported to the U.S. Census that they do not speak English well or do not speak English at all.
- 3.05 **“Low-Income Population”** means any readily identifiable groups of low-income individuals who live in geographic proximity, and if circumstances warrant, geographically dispersed transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
- 3.06 **“Minority Individuals”** include the following:
 - 1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
 - 2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
 - 3) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.

- 4) Hispanic or Latino, which includes people of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
 - 5) Native Hawaiian and Other Pacific Islanders, which refers to people having origins in any of the original people of Hawaii, Guam, Samoa, or other Pacific Islands.
- 3.07 **“National Origin”** means the particular nation in which a person was born, or where the person’s parents or ancestors were born.
- 3.08 **“Race”** means a group of people united or classified together on the basis of common history, nationality, or geographic distribution.
- 3.09 **“Recipient”** means one that has received or is receiving Federal financial assistance under the Acts. The term includes subrecipients of a recipient and subrecipients in FTA’s State administered programs.
- 3.10 **“Retaliation”** Any adverse action taken against another individual because of his/her participation in the complaint, investigation, or hearing relating to this policy or the provision of federal or state law.
- 3.11 **“Sex”** refers to the classification of an individual’s gender as either male, or female.
- 3.12 **“Sexual orientation”** refers to an individual’s preference in terms of sexual relationship with others, whether the individual is homosexual, heterosexual, or bisexual.
- 3.13 **“Vital Documents”** are documents that convey information that critically affects the ability of the customer to make informed decisions about his/her participation in the program. (e.g., public notices, consent forms, complaint forms, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal, and notices informing customers of the availability of free language assistance).

IV. GENERAL REQUIREMENTS AND GUIDELINES

- 4.01 METRO will carry out its programs, activities, and services in compliance with Title VI of the Civil Rights Act of 1964. METRO or any of its employees will not, on the grounds of race, color, national origin, age, sex, sexual orientation, or gender identity, exclude any person from participating in, deny the benefits of, or subject him/her to discrimination under any of METRO’s programs, services, or activities.
- 4.02 METRO or any of its employees will not, on the grounds of race, color, national origin, age, sex, sexual orientation, or gender identity:
- a) Provide any service, financial aid, or benefit that is different from that provided to others;
 - b) Subject an individual to segregation or separate treatment;
 - c) Restrict an individual in the enjoyment of any advantage or privilege enjoyed by others;

- d) Deny any individual service, financial aid, or benefits under any of METRO's programs, services, or activities;
 - e) Treat individuals differently in terms of whether they satisfy admission or eligibility requirements; and
 - f) Deny an individual the opportunity to participate as a member of a planning or advisory body.
- 4.03 METRO shall evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether these changes have a discriminatory impact on low-income and Limited English Proficient individuals. This applies to major service changes that affect 25% of service hours of a route.
- 4.04 METRO holds at least one Board Meeting every month at a varying location throughout its geographic boundaries (e.g., Capitola, Scotts Valley, Watsonville and downtown Santa Cruz) to ensure that all individuals are afforded an opportunity to participate in METRO's transportation decisions.
- 4.05 In addition to all Title VI requirements, METRO provides a Spanish-speaking interpreter at the first hour of at least one of its regular Board Meetings every month, to ensure meaningful participation by persons with Limited English Proficiency. A Spanish-speaking interpreter can be obtained for any of its regular Board Meetings by contacting METRO's Administrative Services Coordinator at (831) 426-6080.
- 4.06 METRO's District Counsel or his/her designee will maintain a list (a minimum of four years in active status) of any Title VI investigations, complaints, or lawsuits filed which allege METRO discriminated against a person or group on the basis of race, color, national origin, age, sex, sexual orientation, or gender identity. This list will include:
- a) The date the investigation, complaint, or lawsuit was filed;
 - b) A summary of the allegation(s);
 - c) The status of the investigation, complaint, or lawsuit; and
 - d) Any actions, or corrective actions taken by METRO in response to the investigation, complaint, or lawsuit.
- 4.07 METRO will keep the public informed of the protections against discrimination afforded to them by Title VI and METRO's obligations under Title VI by posting this policy, or a *Title VI Policy Statement* (Attachment A), on METRO's website at www.scmtd.com, on transit center bulletin boards and on the official METRO bulletin board, located at METRO's Administrative offices. METRO's *Title VI Policy Statement* (Attachment A) will be posted in English and Spanish at all designated METRO facility locations.
- 4.08 METRO will take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs, activities and services for individuals who are Limited English Proficient (LEP).

- 4.09 METRO will provide information, upon request from FTA, in order to investigate Complaints of discrimination, or to resolve concerns about possible noncompliance with Title VI.
- 4.10 METRO will submit its Title VI Program to the FTA's regional civil rights officer once every three years to ensure compliance with Title VI Requirements.
- 4.11 METRO will ensure that minority and low-income individuals have meaningful access to METRO's programs, activities and services.

V. ENVIRONMENTAL JUSTICE REQUIREMENTS

- 5.01 METRO shall integrate an environmental justice analysis into its National Environmental Protection Act (NEPA) documentation of construction projects. METRO is not required to conduct environmental justice analyses of projects where NEPA documentation is not required. METRO will consider preparing an environmental assessment (EA) or environmental impact statement (EIS) to integrate into its documents the following components:
 - a) A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population (e.g., analysis of Census data, direct observation, or a public involvement process);
 - b) A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income populations;
 - c) A discussion of all positive effects of the project that would affect the identified minority and low-income populations, such as improvements in transit service, mobility, or accessibility;
 - d) A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues; and the replacement of the community resources destroyed by the project;
 - e) A discussion of the remaining effects, if any, and why further mitigation is not proposed; and
 - f) For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas.

VI. LIMITED ENGLISH PROFICIENT (LEP) INDIVIDUALS AND PUBLIC PARTICIPATION REQUIREMENTS

- 6.01 METRO will seek out and consider the viewpoints of minority, low-income and Limited English Proficient (LEP) populations in the course of conducting public outreach and involvement activities. METRO's public participation strategy will offer early and continuous opportunities for the public to be involved in the identification of social, economic and environmental impacts of proposed transportation decisions.
- 6.02 METRO will ensure that individuals have access to its programs, activities and services by developing and carrying out the language plan herein. METRO will continually assess the language assistance needs of the population to be served.
- 6.03 METRO will use the following four factors to determine what measures must be undertaken to provide reasonable and meaningful access to LEP individuals.
- a) Languages likely to be encountered and the number or proportion of LEP persons in the eligible service population likely to be affected by the program, activity, or service.
 - b) Frequency with which LEP individuals come into contact with METRO's programs, activities, and services.
 - c) Importance of the program, activity, or service provided by METRO to LEP individual's lives.
 - d) Resources needed to provide effective language assistance and costs.
- 6.04 **ORAL LANGUAGE ASSISTANCE**
- a) METRO maintains bilingual staff to provide Spanish-speaking interpretation at its Administrative offices and within its Customer Service facility for basic transit questions and trip planning assistance.
 - b) METRO's paratransit service provides Spanish-speaking reservationists to assist paratransit customers when scheduling a trip. METRO's ParaCruz Guide is available in Spanish and in large-print Spanish on METRO's website at www.scmtd.com.
 - c) METRO provides a Spanish-speaking interpreter at the first hour of at least one of its Board Meetings every month, which will be extended to the entire meeting if there is a need for such services.
 - d) Upon notification 24-hours in advance, METRO will provide an interpreter at the first Board Meeting, if requested.
- 6.05 **NOTIFY LEP CUSTOMERS OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES**

- a) METRO will post a sign on its official bulletin board at its Administrative offices, which indicates that free language assistance is available, if requested in a timely manner.

6.06 **TRANSLATION OF VITAL DOCUMENTS/WRITTEN LANGUAGE ASSISTANCE**

- a) All public hearings that require notification to the public shall be posted in English and Spanish.
 - b) METRO's *Title VI Policy Statement* (Attachment A) and *Complaint Form* (Attachment B) will be available in Spanish on METRO's website at www.scmtd.com, at Transit Centers, and on METRO's official bulletin board.
 - c) METRO's *Title VI Policy Statement* (Attachment A) and *Title VI Complaint Form* (Attachment B) have been translated into Spanish and will be posted at transit centers, in transit vehicles, and on the official METRO bulletin board at METRO's Administrative offices.
 - d) METRO's *Headways* is provided in English and Spanish.
 - e) METRO will post a copy of the Board of Directors Agenda in Spanish on the official METRO bulletin board, located at METRO's Administrative offices.
- 6.07 METRO will provide written translations of vital documents for each LEP group that constitutes a minimum of 5% of the service area population or consists of at least 1,000 people.
- 6.08 METRO will hold at least one Board Meeting every month at a varying location throughout its geographic boundaries to ensure that low-income, minority and LEP individuals have meaningful access to these meetings. These locations include Santa Cruz, Scotts Valley and Watsonville.

VII. COMPLAINTS/LAWSUITS AND APPEALS

7.01 **How to File a Title VI Complaint with METRO:** Any person who believes that he/she, or as a member of any specific class of individuals, has been subjected to discrimination on the basis of race, color, national origin, age, sex, sexual orientation, or gender identity with respect to METRO's programs, activities, services, or other transit related benefits, may file a written Complaint with METRO. A Complaint may be filed by the individual or by a representative. A Complaint must be filed within 180 days after the date of the alleged discrimination, but complainants are encouraged to submit complaints as soon as possible. METRO will promptly investigate all Complaints filed under Title VI, pursuant to this Regulation.

7.02 **Complaint must include the following information:**

- a) A Complaint must be in writing and signed and dated by the Complainant or his/her representative before any action can be taken.

- b) A Complaint shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination, including the name and address of the complainant, the date, time and location of the incident. The Complaint shall include a description of the program, activity or service on which the alleged discrimination occurred.

7.03 **A Complaint Form** (Attachment B) can be used to file a Title VI complaint with METRO. A *Complaint Form* will be made in an accessible format upon request. A *Complaint Form* can be obtained at the following locations:

- a) At the Santa Cruz METRO website, www.scmtd.com;
- b) By calling Santa Cruz METRO's Administrative Services Coordinator, or his/her designee at (831) 426-6080, (TDD 711 (TTY/voice)) a complaint form can be mailed.
- c) By picking up a Complaint Form at Customer Service, Pacific Station (formerly METRO Center), 920 Pacific Avenue, Santa Cruz, CA 95060 or Santa Cruz METRO Administrative offices, 110 Vernon Street, Santa Cruz, CA 95060.

7.04 If the Complaint is received by anyone besides METRO's General Manager, the individual in receipt of the Complaint shall forward it to the General Manager or his/her designee as soon as practicable but no later than 2 working days of receipt. The General Manager shall immediately provide a copy of the Complaint to the Chair of the Board of Directors and the METRO Manager responsible for the program, activity, or service that is identified as being out of compliance.

7.05 **METRO's Procedures For Investigating Complaints:** The METRO Manager responsible for the program, activity or service which is alleged to be out of compliance shall promptly investigate the alleged complaint and shall prepare a written response as soon as practicable, but no later than 10 working days of his/her receipt of the complaint. The Manager may consult with appropriate METRO Staff in the preparation of his/her response to the complaint. The Manager shall forward his/her written response to the General Manager or his/her designee within the designated time frame.

7.06 **Efforts to Contact Complainant:** The General Manager or his/her designee shall make efforts to speak (meeting or telephone conversation) with the complainant, at which time the complainant may give written or oral evidence supporting the allegation that his/her rights under Title VI have been violated. The General Manager or his/her designee shall review and consider the response prepared by the Manager identified in Section 7.05, all the information provided by the complainant, if any, and any other evidence available regarding the allegations of the complaint. The General Manager or his/her designee shall prepare a written report of his/her findings and if corrective action is required, a timetable for the completion of such action.

7.07 **Completion of Investigation:** As soon as is practicable, but no later than 20 working days following receipt of the initial complaint, the General Manager or his/her designee

shall inform the complainant of his/her findings and any corrective action to be taken as a result of the complaint together with the timetable for completion of such action.

- 7.08 **Appeal to Chair:** If the complainant is not satisfied with the findings and/or action of METRO's General Manager or his/her designee, then the complainant may file his/her Complaint with the Chair of the Board of Directors (see Section 7.09 below), or with the FTA's Office of Civil Rights (see Section 7.11 below).
- 7.09 **Appeal Process:** If the complainant chooses to file his/her Complaint with the Chair of the Board of Directors, then the complaint and any supporting documentation should be submitted within 5 working days of his/her receipt of the results of the General Manager's investigation, with the Chair of the Board of Directors by providing it to the Administrative Services Coordinator, or his/her designee, 110 Vernon Street, Santa Cruz, CA 95060. Upon review of the file, the Chair of the Board shall notify the complainant of what actions, if any, will be taken as a result of the review by the Chair within 10 working days of the Chair's notification that the complainant is not satisfied with the results of the General Manager's investigation. The decision of the Chair of METRO's Board of Directors shall be final.
- 7.10 **Timeline Waiver:** Any timeline set forth herein may be extended by the General Manager upon a showing of good cause.
- 7.11 **How to File a Title VI Complaint with the FTA:** Any person who believes that he/she, or as a member of any specific class of individuals, has been subjected to discrimination on the basis of race, color, national origin, age, sex, sexual orientation, or gender identity, with respect to METRO's programs, activities, or services, or other transit related benefits, may file a written Complaint with FTA. A Complaint may be filed by the individual or by a representative. A Complaint must be filed within 180 days after the date of the alleged discrimination. FTA will promptly investigate all Complaints filed under Title VI in accordance with DOT regulations *49 CFR §§21.11(b) and 21.11(c)*.

A. **A Complaint must include the following information:**

- 1) A Complaint must be in writing and signed and dated by the Complainant or his/her representative before any action can be taken. In cases where a Complainant is unable or incapable of providing a written statement, but wishes FTA or DOT to investigate alleged discrimination, a verbal Complaint of discrimination may be made to the FTA Director, Office of Civil Rights. If necessary, the Civil Rights Official will assist the person in converting the verbal Complaint into writing. All Complaints must, however, be signed by the Complainant or his/her representative.

FTA Civil Rights Office Address:

Federal Transit Administration Office of Civil Rights
Attn: Title VI Program Coordinator
East Building, 5th Floor - TCR
1200 New Jersey Avenue, S.E.
Washington, DC 20590

TTY: 1-800-877-8339

Voice: 1-866-377-8642

FTA.ADAAssistance@dot.gov

- 2) A Complaint shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination, including the date, time and location of the incident. The Complaint shall include a description of the program, activity or service on which the alleged discrimination occurred.

- 7.12 **Complaint Acceptance:** Once a Complaint has been accepted, FTA will notify METRO that it has been subject to a Title VI Complaint and ask METRO to respond in writing to the Complainant's allegations. Once the Complainant agrees to release the Complaint to METRO, FTA will provide METRO with the Complaint. FTA may choose to close a Complaint if the Complainant does not agree to release the Complaint to METRO. FTA strives to complete a Title VI Complaint investigation within 180 days of the acceptance date of a Complaint.
- 7.13 **Investigations:** FTA will make a prompt investigation whenever a compliance review, report, Complaint or any other information indicates a possible failure to comply with Title VI Regulations. FTA's investigation will include a review of the pertinent practices and policies of METRO, the circumstances under which the possible noncompliance occurred, and other factors relevant to a determination as to whether METRO has failed to comply with Title VI regulations.
- 7.14 Following the investigation, FTA's Office of Civil Rights will transmit to the Complainant and METRO one of the following three letters based on its findings:
- a) **Letter of Resolution:** which explains the steps that METRO has taken or promises to take to come into compliance with Title VI.
 - b) **Letter of Finding (Compliance):** which explains that METRO is found to be in compliance with Title VI. This letter will include an explanation of why METRO was found to be in compliance, and provide notification of the Complainant's appeal rights.
 - c) **Letter of Finding (Noncompliance):** which explains that METRO is found to be in noncompliance. This letter will include each violation referenced, the applicable regulations, a brief description of proposed remedies, notice of the time limit on the conciliation process, the consequences for failure to achieve voluntary compliance, and an offer of assistance to METRO in devising a remedial plan for compliance.
- 7.15 **Appeals Process:** The letters of finding and resolution will offer the Complainant and METRO the opportunity to provide additional information that would lead FTA to reconsider its conclusions. FTA requests that the parties in the Complaint provide this additional information within 60 days of the date of the FTA letter of finding. FTA's Office of Civil Rights will respond to an appeal either by issuing a revised letter of

resolution or finding to the appealing party, or by informing the appealing party that the original letter of resolution or finding remains in force.

VIII. DEFICIENCIES WITH TITLE VI COMPLIANCE

- 8.01 Compliance Reviews will be conducted periodically by FTA, as part of its ongoing responsibility pursuant to its authority under *49 CFR §21.11(a)*.
- 8.02 If FTA determines that METRO is in noncompliance with Title VI, it will transmit a *Letter of Finding* that describes FTA's determination and requests that METRO voluntarily take corrective action(s) which FTA deems necessary and appropriate.
- 8.03 METRO will submit a remedial action plan including a list of planned corrective actions and, if necessary, sufficient reasons and justification for FTA to reconsider any of its findings or recommendations within 30 days of receipt of FTA's *Letter of Finding*.

IX. ADMINISTRATION OF REGULATION

- 9.01 METRO will integrate the provisions within its Title VI Program into all programs, activities, and services provided by METRO's Fixed Route service, Paratransit service and METRO facilities.
- 9.02 METRO will integrate the Title VI Program into its policies and procedures.

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT



TITLE VI POLICY STATEMENT

The Santa Cruz Metropolitan Transit District (METRO) is committed to providing public transportation in an environment that is free from discrimination on the basis of race, color, national origin, age, sex, sexual orientation, or gender identity. METRO operates its programs, activities and services without regard to race, color, national origin, age, sex, sexual orientation, or gender identity.

As a Federal Transit Administration (FTA) fund recipient, METRO will ensure that its programs, policies and activities comply with Title VI of the Civil Rights Act of 1964, as amended, and Department of Transportation regulations.

Any person who believes that he/she, has been subjected to discrimination on the basis of race, color, national origin, age, sex, sexual orientation, or gender identity, with respect to METRO's programs, activities, services, or other transit related benefits, may file a Title VI complaint. Complaints must be filed in writing and signed by the complainant, or a representative, and should include the complainants name, address, and telephone number or other means by which the complainant can be contacted. Complaints must be filed within 180 days of the date of the alleged discriminatory act.

To request additional information on METRO's non-discrimination obligations or to file a Title VI Complaint, please submit your request or complaint in writing to:

Santa Cruz Metropolitan Transit District
Attn: General Manager
110 Vernon Street
Santa Cruz, CA 95060

*Complaint Forms can also be obtained on METRO's website www.scmttd.com

Federal Transit Administration (FTA) Title VI Complaints may be filed directly to:

Federal Transit Administration Office of Civil Rights
Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

**Santa Cruz Metropolitan Transit District
TITLE VI DISCRIMINATION COMPLAINT FORM
110 Vernon Street, Santa Cruz, CA 95060**

Complainant's Name: _____

Street Address: _____

City/State/Zip: _____

Phone: _____ **E-mail Address:** _____

Date of Violation: _____ **Time of Violation:** _____

Date of Complaint: _____

Place of Violation: _____

Bus Number:** _____ **Bus Route:**** _____

Discrimination because of: Race Color National Origin
 Age Sex Sexual Orientation Gender Identity

Please provide the name(s) of the METRO Directors, employees, and/or agents who allegedly discriminated against you, including their job titles (if known).

Identify what METRO service, program, or activity (e.g. fixed route service, ParaCruz, etc.) did not comply with Title VI of the Civil Rights Act of 1964.

Identify individuals by name, address and phone number that have information relating to the violation.

Explain as clearly as possible what happened, how you feel you were discriminated against and who was involved. Please include how other individuals were treated differently from you.*

Signature of Complainant: _____ **Date:** _____

**You may use additional sheets of paper, if necessary.*