

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

ADMINISTRATIVE CODE

TITLE VI – TITLE VI PROGRAM REGULATION AND COMPLAINT PROCEDURE

CHAPTER 1

(This Chapter replaces AR-1029 pursuant to Resolution No. 16-03-05 and 19-02-03)

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Article 1

General Requirements

§6.1.101 Policy

The Santa Cruz Metropolitan Transit District (Santa Cruz METRO or 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.

§6.1.102 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.

- §6.1.103** 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.
- §6.1.104** 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. (METRO acknowledges that Title VI does not apply to age, sex, sexual orientation, gender identity, or socioeconomic status, however, discrimination on such bases is similarly prohibited under this regulation).
- §6.1.105** METRO will promote the full and fair participation of all affected populations in the transportation decision-making process.
- §6.1.106** METRO will prevent the denial, reduction or delay in benefits related to programs and activities that benefit minority populations or low-income populations.
- §6.1.107** 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.
- §6.1.108** METRO will ensure that Limited English Proficient (LEP) individuals have access to METRO's programs, activities and services.
- §6.1.109** This Regulation shall be maintained in English and Spanish.
- § 6.1.110 Definitions**
- The following capitalized words and phrases whenever used in this Chapter shall be construed as defined below:
- ADVERSE EFFECT** means having a harmful or undesired effect.
- BOARD** shall mean the Board of Directors of the Santa Cruz Metropolitan Transit District (Santa Cruz METRO or METRO).
- 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 effect of prior discrimination based on race, color, national origin, age, sex, sexual orientation, or gender identity.

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, or non-binary.

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.

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.

MINORITY INDIVIDUALS include the following:

- a) 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.
- b) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent.
- c) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
- d) Hispanic or Latino, which includes people of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- e) 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.

NATIONAL ORIGIN means the particular nation in which a person was born, or where the person's parents or ancestors were born.

RACE means a group of people united or classified together on the basis of common history, nationality or geographic distribution.

RECIPIENT means one that has received or is receiving Federal financial assistance under the Acts. The term includes sub recipients of a recipient and sub recipients in FTA's State administered programs.

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.

Santa Cruz METRO shall mean the Santa Cruz Metropolitan Transit District as established and operated under Part 10, Division 10 of the *California Public Utilities Code*.

SEX refers to the classification of an individual's gender as either male, or female.

SEXUAL ORIENTATION refers to an individual's preference in terms of sexual relationship with others, whether the individual is homosexual, heterosexual or bisexual.

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).

Article II

Applicability of the Title VI Program

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

Article III

Guidelines & Procedures

- §6.1.301** 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.
- §6.1.302** 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.

§6.1.303 METRO is encouraged to 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 more than 25% of service hours of a route.

§6.1.304 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.

- a) There will not be any Board Meetings conducted in the month of July.
- b) METRO's Board Chair or designee may cancel board Meetings for business reasons.

§6.1.305 In addition to all Title VI requirements, METRO provides a bilingual (Spanish-speaking) interpreter at the regularly scheduled Board Meeting every month, to ensure meaningful participation by persons with Limited English Proficiency. A Spanish-speaking interpreter can be obtained for any other Board Meetings by contacting METRO's Administrative Services Coordinator at (831) 426-6080.

§6.1.306 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.

§6.1.307 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.scmttd.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.

- §6.1.308** 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).
- §6.1.309** 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.
- §6.1.310** METRO will submit its Title VI Program to the FTA once every three years to ensure compliance with Title VI Requirements.
- §6.1.311** METRO will ensure that minority and low-income individuals have meaningful access to METRO's programs, activities and services.

Article IV

Environmental Justice Requirements

- §6.1.401** 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 prepare and submit FTA's Categorical Exclusion (CE) checklist for those construction projects that do not require an environmental justice analyses. FTA's CE checklist includes a review of community disruption and environmental justice. 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.

Article V

Limited English Proficient (LEP) Individuals and Public Participation Requirements

§6.1.501 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.

§6.1.502 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.

§6.1.503 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.

§6.1.504 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.