

TITLE VI NOTICE & COMPLAINT PROCEDURES

In accordance with the requirements of Title VI of the Civil Rights Act of 1964 and the Federal Transit Administration (FTA) Circular 4702.1B, the Riverside County Transportation Commission (Commission or RCTC) is required to notify beneficiaries of protection under Title VI, develop complaint procedures, and develop a complaint form.

These documents are considered vital and are translated into languages other than English, as needed and consistent with the Department of Transportation's (DOT) Limited English Proficiency (LEP) Guidance and the Commission's Language Assistance Plan (LAP).

I. POLICY AND NOTICE TO THE PUBLIC

The Commission does not discriminate or exclude individuals from its programs, services, or activities on the basis of race, color, or national origin.

The following notice shall be posted on the Commission's website, main reception area, and relevant publication materials:

RCTC operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with RCTC.

For more information on RCTC's Title VI program, and the procedures to file a complaint, contact (951) 787-7141; email ahake@RCTC.org; or visit our administrative office at 4080 Lemon Street, 3rd Floor, Riverside, CA 92501. For more information, you may also visit our website at www.rctc.org for additional information and to download a complaint form under "About Us".

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR, 1200 New Jersey Avenue., SE, Washington, DC 20590.

If information is needed in another language, contact (951) 787-7141.

Si se necesita la información en otro idioma, llame al (951) 787-7141.

II. PROCEDURES FOR FILING, INVESTIGATING, AND TRACKING COMPLAINTS

Any person, group of individuals, or entity that believes it has been subjected to discrimination on the basis of race, color, or national origin by the Commission may file a complaint directly or through a representative with the Commission or the DOT FTA.

Submission of Complaint to RCTC

To file a complaint with RCTC, the complainant may contact the main reception at (951) 787-7141 to request a copy of the complaint form and procedures, or visit the website at www.rctc.org to download the complaint form and procedures.

When possible, the complainant should complete the complaint form, or in writing provide information about the alleged discrimination containing the following:

- Name of Complainant;
- Address of Complainant;
- Phone number of Complainant;
- Date of incident;
- Location of incident; and
- Description of incident

In cases where the complainant is unable or incapable of providing a written statement, the complainant may be interviewed or the complaint form may also be provided in alternative means such as audio or Braille. The complaint should be submitted as soon as possible but no later than 180 calendar days after the alleged violation to the Deputy Executive Director by email at ahake@RCTC.org postal mail, or in person at the following:

Riverside County Transportation Commission
Aaron Hake, Deputy Executive Director
4080 Lemon Street, Third Floor
P. O. Box 12008
Riverside, CA 92502-2208

If the information provided is insufficient to conduct an investigation or render a decision, RCTC may request additional information from the complainant. Failure of the complainant to submit additional information within the designated time frame may be considered good cause to administratively close the case on the basis of lack of investigative merit.

Within 15 calendar days after receipt of the complaint, RCTC's Deputy Executive Director, or designee, will request a meeting to discuss the alleged incident with the complainant. Within 15 calendar days of the discussion, RCTC will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of RCTC and offer options for resolution of the complaint.

If the complainant is not satisfied with the decision of the Deputy Executive Director, or designee, an appeal may be filed within 15 calendar days after receipt of the response, to RCTC's Executive Director.

Within 15 calendar days after receipt of the appeal, the Executive Director, or designee, will request a meeting to discuss the alleged incident with the complainant. Within 15 calendar days after the meeting, the Executive Director or designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final decision of the complaint.

Submission of Complaint to FTA

The complainant has the right to submit a complaint directly to the FTA, however, is encouraged to initially file with RCTC. As described in FTA Circular 4702.1B, Chapter IX, to file with the FTA, the complaint must be submitted no later than 180 days after the date of alleged discrimination at the address below, unless the time for filing is extended by FTA.

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

Once a complaint has been accepted by FTA for investigation, FTA will notify RCTC that it is the subject of a Title VI complaint and ask RCTC to respond in writing to the complainant's allegations. If the complainant agrees to release the complaint to RCTC, FTA will provide RCTC with the complaint, which may have personal information redacted at the request of the complainant. If the complainant does not agree to release the complaint to RCTC, FTA may choose to close the complaint.

FTA will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with DOT's Title VI regulations. The investigation will include, where

appropriate, a review of the pertinent practices and policies of RCTC, the circumstances under which the possible noncompliance with DOT's Title VI regulations occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with DOT's Title VI regulations.

After FTA has concluded the investigation, FTA's Office of Civil Rights will transmit to the complainant and RCTC one of the following letters based on its findings:

- a. A letter of finding indicating FTA did not find a violation of DOT's Title VI regulations. This letter will include an explanation of why FTA did not find a violation. If applicable, the letter may include a list of procedural violations or concerns, which will put RCTC on notice that certain practices are questionable and that without corrective steps, a future violation finding is possible.
- b. A letter of finding indicating RCTC is in violation of DOT's Title VI regulations. The letter will include each violation referenced to the applicable regulation, a brief description of proposed remedies, notice of the time limit on coming into compliance, the consequences of failure to achieve voluntary compliance, and an offer of assistance to RCTC in devising a remedial plan for compliance, if appropriate.

FTA will administratively close Title VI complaints before a resolution is reached where (1) the complainant decides to withdraw the case; (2) the complainant is not responsive to FTA's requests for information or to sign a consent release form; (3) FTA has conducted or plans to conduct a related compliance review of the agency against which the complaint is lodged; (4) litigation has been filed raising similar allegations involved in the complaint; (5) the complaint was not filed within 180 days of the alleged discrimination; (6) the complaint does not indicate a possible violation of 49 CFR part 21; (7) the complaint is so weak, insubstantial, or lacking in detail that FTA determines it is without merit, or so replete with incoherent or unreadable statements that it, as a whole, cannot be considered to be grounded in fact; (8) the complaint has been investigated by another agency and the resolution of the complaint meets DOT regulatory standards; (9) the complaint allegations are foreclosed by previous decisions of the Federal courts, the Secretary, DOT policy determinations, or the U.S. DOT's Office of Civil Rights; (10) FTA obtains credible information that the allegations raised by the complaint have been resolved; (11) the complaint is a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same recipient or other recipients that have been found factually or legally insubstantial by FTA; (12) the same complaint allegations have been filed with another Federal, state, or local agency, and FTA anticipates that the recipient will provide the complainant with a comparable resolution process under comparable legal standards; or

(13) the death of the complainant or injured party makes it impossible to investigate the allegations fully.

Tracking of Complaints

As required by FTA, all written complaints received by RCTC's Deputy Executive Director, or designee, appeals to the Executive Director, or designee, and responses from these two offices will be retained by RCTC for three years. In addition, a summary list of complaints will be tracked for five years as required.

III. COMPLAINT FORM

See Title VI Complaint Form.

If information is needed in another language, contact (951) 787-7141.

Si se necesita la información en otro idioma, llame al (951) 787-7141.