



NON-DISCRIMINATION NOTICE, COMPLAINT PROCEDURES, AND COMPLAINT FORM

In accordance with the requirements of Title VI of the Civil Rights Act of 1964, the Federal Transit Administration (FTA) Circular 4702.1B, the Federal Highway Administration (FHWA) 23 Code of Federal Regulations Part 202, and Title II of the Americans with Disabilities Act (ADA) of 1990, the Riverside County Transportation Commission (RCTC) is required to notify beneficiaries of protection under federal statutes, develop complaint procedures, and develop a complaint form.

Anyone wishing to file a complaint against RCTC may reference the following documents:

- I. RCTC Non-Discrimination Notice
- II. Title VI Notice to the Public for Transit-Related Facilities
- III. Procedures for Filing and Investigating Complaints
 - A. Submission of a Complaint to RCTC
 - i. RCTC Investigation Procedures for Title VI Transit-related, ADA, and Other Discriminatory Complaints
 - ii. RCTC Investigation Procedures for Title VI Highway-related Complaints
 - B. Submission of a Title VI Complaint Directly to Federal and State Agencies
 - i. Filing a Title VI Transit-Related Complaint with the FTA
 - ii. Filing a Title VI Highway-Related Complaint with the California Department of Transportation (Caltrans) or the FHWA
- IV. RCTC Discrimination Complaint Form

These documents are considered vital and can be offered in other formats such as Braille or auxiliary aids and translated into languages other than English at no cost, as needed.

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

I. NON-DISCRIMINATION NOTICE

In accordance with the requirements of Title VI of the Civil Rights Act of 1964, Title II of the ADA of 1990, and related statutes, RCTC will not discriminate or exclude

individuals on the basis of race, color, national origin, age, gender, income status, or disability in admission to its programs, services, or activities, in access to them, in treatment of, or in any aspect of operations.

RCTC will not tolerate discrimination by a RCTC employee or recipient(s) of Federal funds such as cities, counties, contractors, consultants, suppliers, planning agencies, or any other recipient(s) receiving federal aid assistance.

Employment: RCTC does not discriminate in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title II of the ADA and Title VI of the Civil Rights Act of 1964.

Effective Communications: RCTC implemented measures to ensure that persons with limited English proficiency and persons with disabilities have meaningful access to the services, benefits, and information of all its programs and activities.

Modifications to Policies and Procedures: RCTC will make all reasonable modifications to policies and procedures to ensure that all people have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in RCTC offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or translation service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of RCTC, should contact RCTC at (951) 787-7141. Requests must be received no later than 72 hours before the scheduled event. RCTC will take reasonable steps to ensure that all individuals have meaningful access to programs, services, and information free of charge.

Complaints that a program, service, or activity of RCTC is not accessible should be directed to RCTC's Civil Rights Officer/Title VI and ADA Coordinator:

Riverside County Transportation Commission
David Knudsen, Deputy Executive Director
4080 Lemon Street, Third Floor
Riverside, CA 92502-2208
Phone Number: (951) 787-7141
Email: dknudsen@rctc.org

II. **TITLE VI NOTICE TO THE PUBLIC FOR TRANSIT-RELATED ACTIVITIES**

The following Title VI notice shall be posted on RCTC's website, main reception area, RCTC-owned Metrolink stations, and relevant transit publication materials in accordance with FTA guidelines:

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 the RCTC Civil Rights Officer/Title VI Coordinator David Knudsen at dknudsen@rctc.org; or visit our administrative office at 4080 Lemon Street, 3rd Floor, Riverside, CA 92501. You may also visit our website at www.rctc.org for additional information and 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.

III. **PROCEDURES FOR FILING AND INVESTIGATING COMPLAINTS**

Any person, group of individuals, or entity that believes they have been subjected to discrimination by RCTC on the basis of race, color, national origin, sex, age or disability may file a complaint directly or through a representative with RCTC or with any applicable state or federal agency, including the California Department of Transportation (Caltrans), FHWA, or the FTA.

A. 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 and go to the "About Us" page 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:

- o Name and signature of Complainant
- o Address of Complainant
- o Phone number of Complainant
- o Date of incident
- o Location of incident
- o 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 David Knudsen, Deputy Executive Director by email at dknudsen@rctc.org, postal mail, or in person at the following:

Riverside County Transportation Commission
David Knudsen, Deputy Executive Director
4080 Lemon Street, Third Floor
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, or to meet with RCTC to discuss the alleged incident and provide additional information, may be considered good cause to administratively close the case on the basis of lack of investigative merit.

i. RCTC Investigation Procedures for Title VI Transit-Related, ADA, and Other Discriminatory Complaints

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 meeting, 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 further discuss the alleged incident with the complainant and the basis for the appeal. 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.

ii. RCTC Investigation Procedures for Title VI Highway-Related Complaints

According to FHWA and Caltrans guidance, RCTC cannot independently conduct its own internal investigation when a Title VI complaint is received against its highway related programs, services, or projects. Upon receiving such a complaint, RCTC will promptly forward it to Caltrans within one business day for submission to the FHWA Division Office. Once forwarded, the FHWA Headquarters Office of Civil Rights will review and determine if the investigation will be conducted at the federal (FHWA) or state level (Caltrans). As appropriate, RCTC's complaint procedures will be suspended pending the federal/state agency's findings.

B. Submission of a Title VI Complaint to Federal and State Agencies

i. Filing a Title VI Transit-Related Complaint with the FTA

For transit-related services, programs, and projects, 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.

ii. Filing a Title VI Highway-Related Complaint with Caltrans or the FHWA

For Title VI highway-related projects, the complainant has the right to submit a complaint directly to Caltrans or FHWA. To file a complaint with Caltrans, the complainant can visit or contact the following Caltrans office:

California Department of Transportation
Office of Civil Rights
Attention: Title VI Program Branch
1823 14th Street, MS 79
Sacramento, CA 95811
Email: Title.VI@dot.ca.gov

Caltrans is responsible for forwarding a complaint against RCTC to the FHWA Division Office to determine if the complaint falls under state or federal Title VI jurisdiction. The complainant will receive an acknowledgement letter informing them that the complaint has been received and forwarded to the FHWA.

A person(s) may also file a Title VI highway-related complaint to FHWA directly at:

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590

Per the FHWA Guidance Memorandum, Processing of Title VI Complaints, dated June 13, 2018, all Title VI complaints received by Caltrans will be submitted to the FHWA Headquarters Office of Civil Rights. If FHWA Headquarters Office of Civil Rights determines a Title VI complaint against RCTC can be investigated by Caltrans, they may delegate the task of investigating the complaint to Caltrans.

If the complaint falls under Caltrans' jurisdiction, Caltrans Office of Civil Rights (OCR) will conduct an investigation within 90 days. If additional time is needed, Caltrans OCR will call the complainant and inform them. If more information is needed to resolve the case, the Caltrans OCR investigator may contact the complainant. The complainant has ten business days from the date of the letter to send the requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within ten business days, Caltrans OCR can administratively close the case. A case can be also administratively closed if the complainant no longer wishes to pursue their case. At the conclusion of the investigation, Caltrans OCR prepares a report with findings, determines whether discrimination occurred, and will work with RCTC to implement any corrective actions.

Caltrans OCR will consult with FHWA Headquarters Office of Civil Rights regarding the disposition of the complaint. Disposition of a Title VI complaint will be undertaken by FHWA Headquarters, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to all parties via the FHWA Division Office.

IV. TRACKING OF COMPLAINTS

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

V. DISCRIMINATION COMPLAINT FORM

See Attachment A.

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

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



ATTACHMENT A:

DISCRIMINATION COMPLAINT FORM

The Riverside County Transportation Commission (RCTC) is committed to ensuring that no person is excluded from participating in or denied the benefits of its services on the basis of race, color, national origin, sex, age, or disability. Complaints must be filed within 180 days from the date of the alleged discrimination. The following information is necessary to assist RCTC in processing your complaint. If you require any assistance in completing this form, please contact the RCTC Civil Rights Officer/Title VI and ADA Coordinator, David Knudsen, by calling (951) 787-7141.

When completed, submit the original signed form or letter in person or by mail to:

**David Knudsen, Deputy Executive Director Riverside
County Transportation Commission 4080 Lemon
Street, Third Floor
Riverside, CA 92502-2208**

**FOR QUESTIONS OR ASSISTANCE IN
OTHER ACCESSIBLE FORMATS SUCH
AS LARGE PRINT, TDD, AUDIO, OR
OTHER PLEASE CALL: (951) 787-7141.
USERS WITH HEARING OR SPEECH
IMPAIRMENTS, USE THE
CALIFORNIA RELAY SERVICE, 711,
AND THEN THE NUMBER YOU NEED**

1. Contact Information:

Complainant's Name: _____
Address: _____
City, State and Zip Code: _____
Telephone: _____

What are the most convenient days and times for RCTC to contact you about this complaint?

2. Are you filing this complaint on your own behalf? Yes: ☐ No: ☐

If you answered yes, please go to question #3.

If you answered no, please explain why you have filed for a third party:

If you answered no, please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. Yes: ☐ No: ☐

7. Names of individuals responsible for the discriminatory action(s):

Names of individuals (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaints:

Name

Address

Telephone No.

8. Has this complaint been filed with any other Federal, State, or local investigative agency?

No ☐

Yes ☐

If "yes," please provide the following information:

Agency:

Contact Person:

Address:

Telephone No.:

Date Filed:

9. Please provide any additional information that you believe would assist in the investigation:

You may attach any written materials or other information that you think is relevant to your complaint.

Please sign and date this form:

Signature of Complainant

Date