



SOUTH CENTRAL REGIONAL TRANSIT DISTRICT

BOARD OF DIRECTORS

SPECIAL MEETING AGENDA

Wednesday, March 16, 2016 1:30 PM

The following is the agenda for a meeting of the Executive Board of Directors of the South Central Regional Transit District to be held Wednesday, March 16, 2016 1:30 PM, at Dona Ana County Government Center, 845 North Motel Boulevard Las Cruces, NM, 88007 or Call in to 575-525-5810

575-525-5810. Digital recordings and/or minutes will be made and will be available on request.

The SCRTD does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services.

Dial In-Access 1-712-832-8300 1-712-832-8300 Enter Code 1868230
Access to a complete packet is available at scrttd.org



As the newly elected
Chair of the South
Central Regional
Transportation District,
Welcome.
Your participation is
extremely important for
the success of the
transportation district. **If
you are a Director if
you can not attend,
please ask your
alternate to attend.**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Changes to Agenda
5. Approve Minutes:
 - a . Minutes October 28, 2015
 - b. Minutes November 18, 2015
 - c. Minutes November 25, 2015
 - d. Minutes February 17, 2016, Special Meeting.
6. Treasurers Report
7. Public Input
8. Discussion Items
9. Action - Items
 - a. Approve Resolution for Memorandum of Understanding between Dona Ana County and SCRTD to accept funding up to \$750,000 - Jay Armijo
 - b. Approve Resolution for open meetings act – Jay Armijo
 - c. Approval to waive membership dues for the city of Truth or Consequences and Elephant Butte
 - d. Approve Resolution for Budget and Adjustments (*Handout*)
 - e. Approval of Resolution for establishing SCRTD employee pay period – Jay Armijo

- f. Approve submittal of application for
FTA Section 5311 Pubic Rural
Transportation funding for Federal
Fiscal Year 2016-2017 - David Armijo
- g. Approve EEO Policy Statement –
David Armijo

10. Board Comments

11. Adjournment



South Central Regional Transit District Board of Directors Meeting
Wednesday, October 28, 2015 -- 1:30 PM
Dona Ana County Government Center
Commission Chambers
845 North Motel Boulevard Las Cruces, NM 88007
MINUTES

- I. Call to Order** – Chairman Wayne Hancock called the meeting to order at 1:51 pm.
- II. Pledge of Allegiance:** Pledge of Allegiance was led by Chairman Wayne Hancock
- III. Roll Call (Sign In)** – Chairman Hancock did a roll call of SCRTD Board members. With two members present and one participating via telephone, a quorum was unable to be established. It was noted that there will be no action taken during this meeting; however, discussions will take place.

Present at the meeting:

Board Members:

Wayne Hancock, RTD Chair, Doña Ana County
Greg Smith, City of Las Cruces
Steve Green, City of TorC (via telephone)
Sharon Thomas, Citizen Advisory

Members Absent:

Javier Perea, RTD Vice Chair, Sunland Park
Nora Barraza, Town of Mesilla
Gerald LaFont, City of Elephant Butte
Majorie Powey, Village of Williamsburg

SCCOG Staff:

Jay Armijo, SCCOG Executive Director

Guests:

Tom Murphy, MVMPO
David Maestas, City of Las Cruces Transportation Dept.
Michael McAdams, MVMPO
Charles Clements
Michael Bartholomew, CLC Roadrunner Transit
Mary Ann Galindo, Empowerment Congress
Susan DeMar, NMSU
P. Eaton, Las Cruces Transportation
Earnest Harp, Las Cruces Transportation

Via Telephone:

Marcy Eppler, NMDOT
Delilah Garcia, NMDOT

- IV. Approval of / Changes to Agenda:** *No quorum was established.*
- V. Approval of Minutes from last meeting:** *No quorum was established*
- VI. Public Input:** None
- VII. Advisory Committee:**
 - a. LC Roadrunner—Mike Bartholomew informed the members that the agreement with the SCRTD and the City of Las Cruces for office space in the multi-modal center has been reviewed by the Land Management office and the City's attorney. A memo is being prepared for signatures to finalize the deal.
 - b. Empowerment Congress—Sharon Thomas gave the members an update on the participation of the transportation group formed within the Empowerment Congress and their talks of starting a "Complete Streets Coalition" in this area. Such a group has already formed in Bernalillo County that has been very active in the transportation movement and they have sent the Empowerment Congress a copy of their bylaws in an attempt to assist in the conception of a similar group in Doña Ana County. The transportation committee has spent some time brainstorming about identifying groups in this area that would be interested in participating.

VIII. Discussion Items:

- a. Routes- Ernie Harp: A review of Greg White's schedules has been completed, and other than some very minor "tweaks", they seem very solid. Input is still being reviewed on the alternate stops, which is expected to be resolved over the next couple of weeks through the steering committee, and the final versions of everything should be ready for presentation at the next Board meeting.
- b. Busses' progress- Wayne Hancock: The Route Maps have been finalized and copies are available, with a large scale one that will eventually be placed on the busses. The SCRTD logo, telephone number (575-323-1620), and web address (scrted.org) have been placed on the busses and the date of delivery is scheduled for tomorrow or Friday.
- c. Don Templeton Advertising- Wayne Hancock: The City of Las Cruces and the City of Gallup both utilize the services of Don Templeton Advertising as well as a number of transit districts around the state. An idea that Chairman Hancock had was "crowd source" the purchase of bus stop benches and have the person's name or businesses advertise on the backs of them.

IX. Closed Session to discuss Personnel Matters – To review the recommendation of the Executive Director Review Committee and possibly select an Executive Director for the SCRTD and establish Contract negotiations parameters' as prescribed in the NM Open Meetings Act: *No quorum was established*

X. Action Items:

- a. ***Resolution direction the Chair to negotiate a contract with the selected Executive Director: No quorum was established***

XI. Board Comments: Chairman Hancock informed the members that three candidates have been interviewed by the Executive Director Selection Committee. The Committee will continue to move forward in checking references and participate in further discussion before making their decision and presented their selection to the Board for approval.

XII. Adjournment: *Chairman Hancock called the meeting adjourned.*

Approved by:

Wayne D. Hancock, SCRTD Chairman

Date



South Central Regional Transit District Board of Directors Meeting
Wednesday, November 18, 2015 -- 1:30 PM
Dona Ana County Government Center
Commission Chambers
845 North Motel Boulevard Las Cruces, NM 88007
MINUTES

- I. Call to Order** – Chairman Wayne Hancock called the meeting to order at 1:39 pm.
- II. Pledge of Allegiance:** Pledge of Allegiance was led by Chairman Wayne Hancock
- III. Roll Call (Sign In)** – Jay Armijo, Executive Director, SCCOG, did a roll call of SCRTD Board members. With four members present and one on participating via telephone, a quorum was established.

Present at the meeting:

Board Members:

Wayne Hancock, RTD Chair, Doña Ana County
Javier Perea, RTD Vice Chair, Sunland Park
Nora Barraza, Town of Mesilla
Greg Smith, RTD Treasurer, City of Las Cruces
Via Telephone: Majorie Powey,
Village of Williamsburg

Members Absent:

Steve Green, RTS Secretary, City of TorC
Gerald LaFont, City of Elephant Butte
Sharon Thomas, Citizen Advisory

SCCOG Staff:

Jay Armijo, SCCOG Executive Director
Katherine Gervasio, SCCOG

Guests:

Tom Murphy, MVMPO
Michael McAdams, MVMPO
Charles Clements
Michael Bartholomew, CLC Roadrunner Transit
Cindy Corona, Ocotillo Institute
Bill Hargrave, UTEP/CERM
Michelle DelRio, UTEP/CERM
Sharon Gilsdorf, Zia Therapy Center Inc.
Joseph G. Ardin, Zia Therapy Center Inc.

Via Telephone:

Efren Mechum, EPMPO
Marcy Eppler, NMDOT
Delilah Garcia, NMDOT

- IV. Approval of / Changes to Agenda:** Having established a quorum, Chairman Hancock requested that items 12, 11, & 13 (in that order action items) be moved to the beginning of the agenda, as one of the voting members may need to leave the meeting early. *Member Smith made a motion to approve the agenda with the proposed suggestions by Chairman Hancock, Member Barraza Seconded. Motion Carried Unanimously.*

Per§10-15-1-J, in accordance with the Open Meetings Act, NMSA 1978, A motion to enter closed session to review the recommendation of the Executive Director Review Committee and the possibility of selecting an Executive Director or Interim Executive Director for the SCRTD and establish contract negotiation parameters pursuant to the Open Meetings Act, was made by Member Smith and seconded by Member Barraza. A roll call vote was taken to enter closed session

Roll Call:

Wayne Hancock—Yes	Nora Barraza—Yes
Javier Perea—Yes	Majorie Powey—Yes
Greg Smith—Yes	

Per§10-15-1-J a motion was made to enter back into open session by Member Smith and seconded by Member Barraza. A roll call vote was taken and a declaration was made by Chair Hancock noting that nothing was discussed in the closed session other than the recommendation of the Executive Director Review Committee and the possibility of selecting

an Executive Director or Interim Executive Director for the SCRTD and establish contract negotiation parameters.

Roll Call:

Wayne Hancock—Yes

Nora Barraza—Yes

Javier Perea—Yes

Majorie Powey—Yes

Greg Smith—Yes

V. Action Items:

- a. Resolution directing the Chair to negotiate an at will employment contract with the selected Executive Director pending the interview and contract approval of the board. *Member Barraza made a motion to approve, Member Perea Seconded. Motion Carried Unanimously.*
- b. Don Templeton Advertising. *Member Smith made a motion to approve the contract agreement with Don Templeton Advertising, Member Barraza Seconded. Motion Carried Unanimously.*
- c. Approval of the Fiscal Agent Contract with SCCOG—*Member Perea made a motion to approve the fiscal agent contract with the SCCOG, Member Barraza Seconded. Motion Carried Unanimously.*
- d. City of Las Cruces Office MOU—*Member Barraza made a motion to approve the MOU with the City of Las Cruces, Member Perea Seconded. Motion Carried Unanimously.*
- e. Z-Trans Contract—*Member Smith made a motion to approve the contract with Z-Trans to continue providing services to the East Mesa area, Member Perea Seconded. Motion Carried Unanimously.*

VI. Approval of Minutes from last meeting: *Minutes from September 30th SCRTD meeting were presented, Member Perea made a motion to approve the minutes of September 30th, 2015, Member Smith Seconded. Motion Carried Unanimously.*

VII. Treasurer's Report: There were no changes to the report presented last month. A check will be sent out to Digital Solutions for \$75.82.

VIII. Public Input: None

IX. Presentations:

a. HIA Project—UTEP/CERM:

- i. Michelle DelRio, Project Manager for the Health Impact Assessment (HIA) provided the members with a preliminary report of their finding so far in their study being conducted over and 7-8 month period. Project Transportation Matters is a health impact assessment (HIA) which aims to assess the impact on health in regards to the proposed transit system. The goal of the study is to collect information regarding the impacts once access to healthcare was available.

b. Commuter Rail Study:

- i. Activities presented in the study will be update information in the 2009 commuter rail study that was done using census data from the year 2000, bringing that up to date using the 2010 census data and the 2013 American Community Survey data. In addition, updating the economic condition that have changed since the first study, reviewing the growth and freight traffic due to the changing market conditions across the border, the growth of the shipping conditions across the border, including the activity at Santa Teresa and how that has effected the demands for rail. Also, the study will show where the resources have emerged, particularly from the federal government that were not available before.

c. **Mesilla Valley MPO:**

- i. Tom Murphy had three items for the Board—
 1. In cooperation with NMSU and their investigation of the Arrowhead interchange, the MVMPO is updating their travel demand model particularly the transit routes within that model.
 2. Installation of automatic passenger counters on two Roadrunner Transit buses to assist in identifying which routes are most utilized and the times they are used most frequently.
 3. Beginning work on the FY17-18 Unified Planning Work Program.

X. Advisory Input Committee:

- a. **LC Roadrunner**—Nothing to report at this time
- b. **Empowerment Congress**—Nothing to report at this time

XI. Discussion Items:

- a. Routes—Ernie Harp reported that Greg White removed several stops from the pilot program that ended up being put back into the routes. The rights of way issues are the only things holding us back from going full operation.
- b. Buses —Chairman Hancock informed the Board that there are currently two busses in the SCRTD possession, the other three will be arriving next week.

XII. Comments

- a. **SCRTD Board:** Member Smith commended Chairman Hancock for his hard work and the busses look great! Chairman Hancock extended the compliment right back to the board acknowledging the teams' effort in moving the SCRTD forward.
- b. **Public:** There were no comments from the public.

XIII. Adjournment: *Chairman Hancock called the meeting adjourned.*

Approved by:

Wayne D. Hancock, SCRTD Chairman

Date



**South Central Regional Transit District Board of Directors
Special Meeting
Wednesday, November 25, 2015 -- 1:30 PM
Dona Ana County Government Center
Commission Chambers
845 North Motel Boulevard Las Cruces, NM 88007
MINUTES**

- I. Call to Order** – Chairman Wayne Hancock called the meeting to order at 1:56 pm.
- II. Pledge of Allegiance:** Pledge of Allegiance was led by Chairman Wayne Hancock
- III. Roll Call (Sign In)** – Jay Armijo, Executive Director, SCCOG, did a roll call of SCRTD Board members. With four members present and one on participating via telephone, a quorum was established.

Present at the meeting:

Board Members:

Wayne Hancock, RTD Chair, Doña Ana County
Javier Perea, RTD Vice Chair, Sunland Park
Nora Barraza, Town of Mesilla
Greg Smith, RTD Treasurer, City of Las Cruces
Via Telephone: Majorie Powey,
Village of Williamsburg

Members Absent:

Steve Green, RTS Secretary, City of TorC
Gerald LaFont, City of Elephant Butte
Sharon Thomas, Citizen Advisory

SCCOG Staff:

Jay Armijo, SCCOG Executive Director
Angela Rael, SCCOG

Guests:

David Armijo

- IV. Approval of / Changes to Agenda:** *Member Barraza made a motion to approve the agenda, Member Perea Seconded. Motion Carried Unanimously.*
- V. Meet and Interview the Interim Executive Director candidate:** Chairman Hancock introduced David Armijo to the members present. Mr. Armijo provided the Board with an overview of his education and experiences, along with his vision for the SCRTD. The Board members were given the opportunity to ask Mr. Armijo questions before they proceed into the closed session.
- VI. Closed Session to discuss personnel matters regarding the Interim Executive Director interview and establish contract negotiation parameters as described in the Open Meetings Act.**

Per§10-15-1-J, in accordance with the Open Meetings Act, NMSA 1978, A motion to enter closed session to discuss personnel matters regarding the Interim Executive Director interview and establish contract negotiation parameters pursuant to the Open Meetings Act, was made by Member Smith and seconded by Member Barraza. A roll call vote was taken to enter closed session

Roll Call:

Wayne Hancock—Yes
Javier Perea—Yes
Greg Smith—Yes

Nora Barraza—Yes
Majorie Powey—Yes

Per§10-15-1-J a motion was made to enter back into open session by Member Smith and seconded by Member Barraza. A roll call vote was taken and a declaration was made by Chair Hancock noting that nothing was discussed in the closed session other than the personnel matters regarding the Interim Executive Director interview and establish contract negotiation parameters

Roll Call:

Wayne Hancock—Yes

Nora Barraza—Yes

Javier Perea—Yes

Majorie Powey—Yes

Greg Smith—Yes

VII. Action Items:

- a. **Approve the hire of the Executive Director of the South Central Regional Transit District and Direct the Chairman to complete the contract as it was discussed in closed session. *Member Perea made a motion to approve the hire of David Armijo as the Executive Director of the SCRTD and allow the Chairman to complete the contract process as it was discussed in closed session, Member Smith Seconded. Motion Carried Unanimously.***

VIII. Board Comments

- a. Member Barraza expressed her enthusiasm at how the SCRTD is moving forward, and with the hire of an Executive Director for the organization.

IX. Adjournment: *Chairman Hancock called the meeting adjourned.*

Approved by:

Wayne D. Hancock, SCRTD Chairman

Date



**South Central Regional Transit District Board of Directors
Special Meeting
Wednesday, February 17, 2016
Dona Ana County Government Center
Commission Chambers
845 North Motel Boulevard Las Cruces, NM 88007
MINUTES**

- I. Call to Order** – Chairman Wayne Hancock called the meeting to order at 1:43p.m.
- II. Pledge of Allegiance:** Pledge of Allegiance was led by Chairman Wayne Hancock
- III. Roll Call (Sign In)** – Rachel Ornelas, Admin. Assistant, SCRTD, did a roll call of SCRTD Board members. With five members present a quorum was established.

Present at the meeting:

Board Members:

Wayne Hancock, RTD Chair, Doña Ana County
Steve Green, Secretary, City of TorC
Nora Barraza, Town of Mesilla
Greg Smith, RTD Treasurer, City of Las Cruces
Sharon Thomas, Citizen Advisory

SCCOG Staff:

Jay Armijo, SCCOG Executive Director
Katherine Gervasio SCCOG Fiscal Administrative
Jeannie Jacka, SCRTD Fiscal Clerk
Rachel Ornelas, SCRTD Administrative Assistant

Members Absent:

Javier Perea, Vice Chair, City of Anthony
Gerald LaFont, City of Elephant Butte
Majorie Powey, Member, City of Williamsburg

Guests:

David Armijo, SCRTD Executive Director
Don Templeton, Templeton Marketing
Michael McAdams, MVMPG

- IV. Approval of / Changes to Agenda:** *Member Barraza made a motion to approve the agenda, Member Green Seconded. Motion Carried Unanimously.*
- V. Approval of Minutes from last meeting:** *Member Barraza made a motion to postpone this until next meeting to give time to review the past minutes 10/28/15, 11/18/2015, 11/25/2015, Member Smith Seconded. Motion Carried Unanimously.*
- VI. Treasurer's Report:** Member Smith reviewed the report {see attached documents} received from Katherine with the other board members. Going over which cities have paid memberships and which have yet to at this time. *Member Hancock made a motion to accept the report, Member Barraza accepted and Member Smith Seconded, Motion carried Unanimously.*

Member Hancock adv. that Truth or Consequences and Williamsburg have asked to have their membership dues be waived. He also stated that we don't have a prevision of that in the bylaws and we would need to consider changing them. Jay adv. that this could be put on the next agenda as an action, vs changing the bylaws.

- VII. Public Input:** *None*

- VIII. Advisory Committee Input:**

a. Complete Streets: Member Thomas adv. that she needed a group to be part of this in order to be part of the national group. Member Barraza stated that David Armijo should check

.into this and do some research and then adv. the Board if this would be something they should do.

***b. Rollout:** Member Thomas adv. that have taken posters and schedules and dropped them off at different locations thru out. Member Hancock is putting together emails. They are preparing Text; they have also released a press release. Facebook pages have been updated, preparing inserts for utility bills. Board did adv. that the posters needed to be in Spanish as well.*

IX. Discussion Items:

- a. **Operational Opening:** David Armijo; stated that they are going to start running the SCRTD bus line February 22nd. At this time, he introduced Don Templeton, as he sells the spaces on the bus for advertisement. Don advised that he has the spaces rented for the year which will bring in 1350.00 a month in revenue.
- b. **Budget Update:** Katherine Gervasio; Advised that this is still in the making, considering all the numbers are there yet. Member Nora adv. that the budget should be a layout like the COG uses. Jay stated that there is only about 12,000.00 in the RTD account at this time. And that COG is covering things for them, and the RTD owes the COG 18,000.
- c. **Section 5310 Grant Application:** David Armijo; informed the board of the 5310 Grant, {see attached document} it is a 3 yr. grant, that will match 50%. How he would like to have another bus line running where there is no transportation, like La Union, He provided the board with 3 choices of cost. Option 1 with the 50% match is 49,960.00, Option 2A with the 50% match is 59,785.00 and Option 2B with the 50% match is 81,972.00. Unanimously agree to Option 2A
- d. **Commuter Rail Feasibility Study:** David Armijo, {see attached document} working with a committee to meet next week, still looking for people to be on the committee. Interest having a good commination reach, starting in March, looking at a schedule in April. Like to have a series of meeting in a day with different groups, be called an open house, would be able to get as much information. Working thru historical documents, prior meetings, wrap in June. Member Barraza asked about the time frame on spending money, Jay Armijo adv. 4yr agreement. Going into 3rd yr. If we ran into any problem we could contact Jeff Steinmann, and he would help

X. Action Items:

- a. **Board to set agenda for upcoming year:** It was adv. that the 4th Wednesday at 1:30p.m, the board wanted to come with a resolution at next meeting.
- b. **Board to approve State Pay Period Calendar for SCRTD Bi-Weekly payrolls:** Each member was handed a state pay period calendar, and it was adv. that the COGs pay roll would not work for the SCRTD drivers, since they are going to be hourly. The board wanted to come with a resolution at next meeting.

- c. **Revise Resolution RTD Fees:** *Member Barraza motion for removal, Member Green Seconded.*
- d. **Election of officers:** *Member Nora motioned to keep everyone the same, Member Smith Seconded.*

XI. Adjournment: *Chairman Hancock called the meeting adjourned.*

Approved by:

Wayne D. Hancock, SCRTD Chairman

Date

**SOUTH CENTRAL REGIONAL TRANSIT DISTRICT
RESOLUTION NUMBER: 2016-03**

A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN DONA ANA COUNTY (DAC) AND THE SOUTH CENTRAL REGIONAL TRANSIT DISTRICT (SCRTD)

WHEREAS, the South Central Regional Transit District provides public transportation services to address the needs of residents within its boundaries, and

WHEREAS, the SCRTD is a political subdivision of the State of New Mexico as authorized by the Regional Transit Act ("ACT"), NMSA 1978, section 73-25; and

WHEREAS, the SCRTD is authorized to finance, construct, operate, maintain, and promote an efficient, sustainable, and regional multi-modal transportation system at any location or locations subject to compliance with the Regional Transit District Act ("Act"); and

WHEREAS, the SCRTD has successfully implemented four routes of the Transit Plan by utilizing a legislative appropriation for the purchase of five new buses and dues paid by governmental members; and

WHEREAS, the SCRTD has current cash-flow and working capital needs that can be provided for through funding by assistance of DAC as a regional partnership to fulfill Livability Principle number 3 of the DAC Plan 2040 Comprehensive Plan, and

WHEREAS, DAC, by resolution 2015-23, did allocate up to \$750,000 per year for Public Transit from the second 1/8 of 1% of the Hold Harmless Gross Receipts tax; and,

WHEREAS, DAC wishes to fund SCRTD presently in order to expedite the development and operations of a sustainable and regional multi-modal transportation system notwithstanding any other agreements to the contrary.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the South Central Regional Transit District that a Memorandum of Understanding should be entered into with Dona Aña County to achieve Livability Principle number 3 of the DAC 2040 Comprehensive Plan and authorize the SCRTD Board Chair to sign all related documents.

ADOPTED AND APPROVED THE 16TH DAY OF MARCH, 2016.

Wayne Hancock, Chair

ATTEST:

David Armijo, Executive Director

**MEMORANDUM OF
UNDERSTANDING**

**BETWEEN
SOUTH CENTRAL REGIONAL
TRANSIT DISTRICT AND
DOÑA ANA COUNTY**

This **MEMORANDUM OF UNDERSTANDING** (the "MOU") is entered into by and between the **South Central Regional Transit District ("SCRTD")** and **DOÑA ANA COUNTY (DAC)**.

For good and valuable consideration, including mutual covenants between the parties hereto the receipt of which is acknowledged, the parties do hereby agree as follows:

A. PURPOSE.

The purpose of this MOU is to provide up to \$750,000.00 in current funds to the SCRTD for capital and operational expenses for providing Public Transportation to areas covered in the Transit Plan.

B. SCOPE OF MOU

- 1 DAC agrees to provide to the SCRTD's Fiscal Agent operating funds promptly following the approval and execution of this MOU.
- 2 The SCRTD agrees to utilize the funds provided hereunder for working capital funds and as matching funds for federal grants to operate transit systems.

- 3 The SCRTD agrees to solicit transit projects from the DAC and regional partners to be funded with the District's disbursement. These projects shall be regional in nature throughout the region and be approved by the District's review process.
- 4 The SCRTD agrees to account for all funds received hereunder and to provide DAC with a detailed quarterly report of how the funds are utilized to ensure compliance with this MOU, State and Federal Law.

C. COSTS

All costs of the parties in implementing this MOU shall be borne by the respective parties.

D. TERM AND EFFECTIVE DATE.

This MOU shall be effective on the date it is fully executed by both parties as indicated below.

E. TERMINATION.

This MOU may be terminated by either of the parties hereto upon written notice delivered to the other party at least one hundred twenty (120) days prior to the intended date of termination.

F. LIABILITY

Each party shall be solely responsible for fiscal or other sanctions occasioned as a result of its own violation of requirements applicable to the performance of this MOU. Each party shall be liable for its own actions or inactions in

accordance with state law and nothing herein shall be deemed a waiver, indemnity or to otherwise create or effect liabilities between the parties.

G. THIRD-PARTY BENEFICIARIES.

By entering into the MOU, the parties do not intend to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to the MOU to maintain a suit for wrongful death bodily and/or personal injury to persons, damage to property, and/or any other claim(s) whatsoever pursuant to the provisions of this MOU. No person shall claim any right, title or interest under this MOU or seek to enforce this MOU as a third party beneficiary of this MOU.

H. NEW MEXICO TORT CLAIMS ACT.

By entering into this MOU, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this MOU. Any liability incurred in connection with this MOU is subject to the immunities and limitations of the New Mexico Tort Claims Act, Sections 41-4-1, et seq., NMSA (1978). This paragraph is intended only to define the liabilities between the parties hereto and it is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act. No provision in this MOU modifies and/or waives any provision of the New Mexico Tort Claims Act.

I. AMENDMENT.

This MOU shall not be altered, changed or modified except by an amendment in writing executed by the parties hereto.

J. SEVERABILITY.

In the event that any of the items or provisions herein are found to be in conflict with any applicable statute or rule of law or are otherwise held to be invalid, then such provision shall be deemed inoperative to the extent of such conflict or invalidity, and the remainder of provisions shall, to the extent possible, remain in full force and effect.

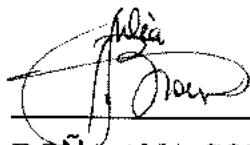
G. NOTICES.

Any notices required to be given pursuant to this MOU shall be in writing and served by personal delivery or by mail, postage prepaid, to the parties of the following addresses:

DAC
845 N. Motel Blvd.
Las Cruces, New Mexico 88007

SCRTD
South Central Regional Transit District
300 W Lohman Ave,
Las Cruces, NM 88005

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the dates set forth below.

A handwritten signature in black ink, appearing to read "Ana", is written over a horizontal line.

DONA ANA COUNTY

By It's County Manager

SOUTH CENTRAL REGIONAL TRANSIT DISTRICT

By It's Board Chairman

Wayne Hancock

DATED THIS _____ DAY OF MARCH 2016

**SOUTH CENTRAL REGIONAL TRANSIT DISTRICT
RESOLUTION NUMBER 2016-02**

OPEN MEETINGS ACT RESOLUTION

WHEREAS, the South Central Regional Transit District's Board of Directors met in a special meeting on Wednesday, March 16, 2016 in the Dona Ana County Commission Chambers, 845 N. Motel Blvd., Las Cruces, N.M.; and,

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of, or the deregulated authority of, such body are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation, or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the South Central Regional Transit District's Board of Directors to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the South Central Regional Transit District Board of Directors that:

1. All meetings shall be held at the time indicated in the meeting notice.
2. The agenda for board and committee meetings will be available at least seventy-two hours prior to the meeting from the South Central Regional Transit District, Fiscal Agent Office, 600 Butte Boulevard, Suite B, Elephant Butte, NM 87935. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. Special Meetings may be called by the Chair or a majority of the members upon three (3) days' notice. The notice shall include an agenda for the meeting and information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two hours before any special meeting.
4. Emergency meetings will be called under only unforeseen circumstances which demand immediate action to protect the health, safety, and property of citizens or to protect the public body from substantial financial loss. The South Central Regional Transit District's Board of Directors will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon twenty-four (24) hours' notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting and information on how the public may obtain a copy of the agenda.
5. For the purpose of regular meetings described in Paragraph 2 of this resolution, notice requirements are met if notice of the date, time, and location of meeting is posted on the South Central Regional Transit District's website at www.scrtd.org.
6. For the purpose of special meetings or emergency meetings described in Paragraphs 3 and 4 of

this resolution, notice requirements shall be met by posting notice of the date, time, and place of the meeting on the South Central Regional Transit District's website at www.scrtd.org. Email notice shall include broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice.

7. In addition to the information specified above, all notices shall include the following language:

"If you are an individual with a disability and require assistance or auxiliary aid, or would like additional information on the agenda for the meeting, please contact staff at (575) 744-4857".

8. The South Central Regional Transit District's Board of Directors may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.
- A. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the South Central Regional Transit District's Board of Directors taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.
 - B. If the decision to hold a closed meeting is made when the Board is in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provisions of the law authorizing the closed meetings and the subjects to be discussed with reasonable specificity to be given to the members and to the general public.
 - C. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
 - D. Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by a vote of the South Central Regional Transit District Board in an open public meeting.

ADOPTED AND APPROVED THIS 16TH DAY OF MARCH, 2016

Wayne Hancock, Chair

ATTEST:

David Armijo, Executive Director

**SOUTH CENTRAL REGIONAL TRANSIT DISTRICT
RESOLUTION NUMBER: 2016-01**

A RESOLUTION TO ESTABLISH THE PAY PERIOD FOR SOUTH CENTRAL REGIONAL TRANSIT DISTRICT (SCRTD) PERSONNEL

WHEREAS, the South Central Regional Transit District Board of Directors met in a special meeting on Wednesday, March 16, 2016 in the Dona Ana County Commission Chambers, 845 N. Motel Blvd., Las Cruces, N.M.; and,

WHEREAS, pursuant to NMSA 1978, Chapter 73, Article 25, Section 6 the powers of the District is a body politic and corporate are exercised by its Board of Directors; and,

WHEREAS, a "pay period/work week" is a two-week period beginning on Sunday at 12:00 a.m. and ending fourteen (14) days later on Saturday at 11:59 p.m. The method of payment results in twenty-six (26) pay periods per year. Payroll disbursements will be issued every other Friday by the Executive Director, Fiscal Agent, or designee. If a holiday falls on a Friday, payroll disbursements will be issued on Thursday. In the event of an emergency within the SCRTD, Fiscal Agent, or banking institution, payroll disbursements may be issued early, but only after clearance by the Executive Director; and,

WHEREAS, said policy has been submitted to, and reviewed by, the Board of Directors of the South Central Regional Transit District and found to be reasonable and acceptable,

NOW, THEREFORE, BE IT RESOLVED by the South Central Regional Transit District that this policy shall be in effect immediately and until further resolution. All resolutions and policies in conflict herewith; either in whole or in part, are hereby repealed.

ADOPTED AND APPROVED THE 16TH DAY OF MARCH, 2016.

Wayne Hancock, Chair

ATTEST:

David Armijo, Executive Director

PUBLIC NOTICE

SOUTH CENTRAL REGIONAL TRANSIT DISTRICT

Transportation providers, be advised that the South Central Regional Transit District will be applying to the New Mexico Department of Transportation's Transit and Rail Division for FTA USC 49 Section 5311 Public Rural Transportation funding for Federal Fiscal Year 2016-2017. The purpose of this application will be to provide public transportation services within Doña Ana County. Public and private transportation providers are invited to submit comments to:

David Armijo,
Executive Director, South Central Regional Transit District
300 W. Lohman Avenue, Suite 115
Las Cruces, NM 88001
Phone: (575) 323-1620

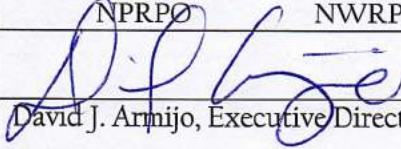
A public hearing may be requested by any public or private transportation provider. Written comments/questions or requests for public hearing should be received at the above address, no later than March 18, 2016.

FY 17 APPLICATION

Section 5311 Rural Public Transit

October 1, 2016 - September 30, 2017

I. Applicant Information

Organization/ Agency:	SCRTD
Contact Person Name and Title:	David Armijo
Mailing Address:	300 W. Lohman Avenue
City, State, ZIP:	Las Cruces, NM 88001
Physical Address:	300 W, Lohman Avenue, Las Cruces, NM 88001
Phone and Cell Number:	575-322-1620
FAX Number:	N/A
E-mail Address: (Required)	socenrtd@gmail.com
Regional Planning Organization: (circle one)	NERPO MRRPO SERPO SWRPO NPRPO NWRPO SCRPO
Applicant Signature and Date Signed:	 3-10-16
Please Print Name and Title	David J. Armijo, Executive Director
DUNS Number *	07-945-4170

- In addition to including your agency's DUNS Number, please provide a print screen of your agency DUNS Number from the following website: <https://www.sam.gov>

II. Summary of Budget Request

Please enter the dollar amount of your application request (Administration, Operating, and Capital) in the appropriate column below. This information should come directly from the budget pages in Section III of this application.

	Total	Federal Share	Local Share
Administrative (80/20)	*\$279,851	\$223,880	\$ 55,971
Operating (50/50)	**\$432,950	\$216,475	\$216,475
◆ Capital (80/20)	***		
TOTAL	\$712,801	\$440,355	\$272,446

Capital Breakdown

	Total	Federal Share	Local Share
Capital to Subgrantee			
Capital to Vendor			
List vendor if utilizing Capital to Vendor (if applicable)			
◆ TOTAL should equal 'Capital' amt. above			

Capital to Vendor – When you purchase capital using a state approved price agreement. You will make a check to the awarded vendor for the 20% local share, and send the check to NMDOT's Transit and Rail Division. At delivery, your check is given to the vendor, and NMDOT is billed for the difference.

Capital to Subgrantee – When you purchase any approved capital item that is not on a state price agreement, including large buses, radios, and other requested capital. You will initially pay 100% of the purchase. Upon submitting the appropriate documentation to the Transit and Rail Division, you will be reimbursed 80%.
THIS IS NOT AVAILABLE FOR NON-PROFIT ORGANIZATIONS

III. Financial Information

A) ADMINISTRATIVE BUDGET

Please justify any line item greater than 20% or if no item is greater than 20% indicate "NONE" in space provided below.
<u>None</u>

ELIGIBLE ADMINISTRATIVE COSTS:

ITEM DESCRIPTION	2015 ACTUAL EXPENDITURES	2016 APPROVED BUDGET	2017 PROJECTED EXPENDITURES
1-01-00 Salaries and Wages			
1-01-05 Director		92500	92500
1-01-10 Managers		5700	5700
1-01-12 Financial Manager		6100	6100
1-01-15 Clerical Support Staff		33280	33280
1-01-20 Accounting Staff			
1-01-25 Administrative Assist.		23720	23720
1-01-30 Village Administrator			
1-01-35 CFO			
1-01-40 Salary Adjustments			
1-01-45 Chief Exec. Officer			
1-01-50 Transp. Coordinator			
1-01-55 Public Works Dir.			
1-01-60 Janitor			
1-01-65 Temporary			
1-02-00 Fringe Benefits		33900	33900
1-02-05 FICA		13693	13693
1-02-10 PERA Retirement		11063	11063
1-02-15 Health Insurance		35385	35385
1-02-20 Unemployment Ins.			
1-02-25 Workman's		3364	3364
1-02-30 Other Fringe Benefits			
1-03-00 Communications			
1-03-05 Fax Machine			
1-03-10 Internet Subscription Services		500	500
1-03-15 Postage			
1-03-20 Telephone		1500	1500

1-03-25 Cell Phone		120	120
1-03-30 Radio			
1-03-35 Repeater Fees			
1-04-00 Contractual Services			
1-04-05 Audit		2635	2635
1-04-10 Advertising		200	200
1-04-15 Equipment Rental		1123	1123
1-04-20 Contractual Services- Other			
1-04-25 Contractual Services- Janitorial			
1-05-00 Dues and Subscriptions			
1-05-05 NMPTA		250	250
1-05-10 SWTA		250	250
1-05-15 Transit Publications			
1-05-20 (CTAA)		300	300
1-06-00 Equipment			
1-06-05 Equipment Lease			
1-06-10 Equipment Repair			
1-06-15 Computer			
1-07-00 Insurance			
1-07-05 Buildings and Contents		300	300
1-07-10 Gen. & Emp. Liability Ins.		1425	1425
1-07-15 Surety & Fidelity Bonds			
1-07-20 Claims Deductible			
1-07-25 Vehicle Insurance		950	950
1-08-00 Occupancy Costs			
1-08-05 Office Rent		4466	4466
1-08-10 Utilities		459	459
1-08-20 Building Maintenance			
1-09-00 Personnel Costs			
1-09-05 Drug & Alcohol Testing		450	450
1-09-10 Physicals		150	150
1-09-15 Hepatitis Vaccinations			
1-10-00 Printing/Copying Costs		2000	2000
1-10-05 Printing			
1-10-10 Copying			
1-11-00 Supplies			
1-11-05 Office Supplies		3068	3068
1-11-10 Furn. & Equipment under \$500			
1-11-20 Janitorial Supplies			
1-12-00 Training		500	500
1-12-05 Training			
1-13-00 Travel		500	500
1-13-05 Mileage			
1-13-10 Public Transport Fares			
1-13-15 Per Diem			
1-13-20 Registration Fees			
1-13-25 Lodging and Meals			
1-13-30 Other			
1-14-00 Indirect Costs			
1-14-05 Indirect Cost			
TOTAL ELIGIBLE COSTS		279,851	279,851

NOTE: No item listed as "Other" will be considered. Please be specific in line item.

* This number should match the number entered on Page 1, Section II – Summary of Budget Requested

LOCAL SHARE SOURCES: Specify source, i.e., "fare box," "GRT," not a dollar amount.			
TOTAL LOCAL SHARE (20%)			\$55,971
FEDERAL SHARE (80%)			\$216,475

B) OPERATING BUDGET

Please justify any line item greater than 20% or if no item is greater than 20% indicate "NONE" in space provided below.

ELIGIBLE OPERATING COSTS

ITEM DESCRIPTION	2015 ACTUAL EXPENDITURES	2016 APPROVED BUDGET	2017 PROJECTED EXPENDITURES
2-01-00 Salaries and Wages			
2-01-05 Supervisor			
2-01-10 Drivers		129220	129220
2-01-15 Mechanics		24000	24000
2-01-20 Dispatcher			
2-01-25 Janitor			
2-01-30 Salary Adjustment			
2-01-35 Overtime			
2-01-40 Mechanic Supervisor			
2-01-45 Auto Parts Clerk			
2-01-50 Maintainer			
2-01-55 Accountant			
2-01-60 Laborer			
2-02-00 Fringe Benefits			
2-02-05 FICA		11135	11135
2-02-10 PERA Retirement		10770	10770
2-02-15 Health Insurance		59631	59631
2-02-20 Unemployment Insurance		2452	2452
2-02-25 Worker's Compensation		14664	14664
2-02-30 Other			
2-03-00 Communications			
2-03-05 Cell Phone			
2-03-10 Telephone			
2-03-15 Radio Repeater			
2-03-20 Mobile Radio			
2-03-25 Radio			
2-04-00 Contractual Services			
2-04-05 Maint. - Mach. and Equip.		24000	24000
2-04-10 Equipment Rental			
2-04-15 Contractual Services - Other		77984	77984
2-04-20 Transit Services			
2-05-00 Equipment			
2-05-10 Assigned Vehicle Use			
2-05-15 Equipment Rental			

2-06-00 Occupancy Costs			
2-06-05 Building Maintenance			
2-06-10 Operational Rent			
2-06-15 Utilities			
2-06-20 Building Insurance			
2-06-25 Building and Grounds			
2-07-00 Personnel Costs			
2-07-05 Uniforms 2400		1200	1200
2-07-10 Hepatitis Vaccinations			
2-07-15 Physicals		375	375
2-08-00 Supplies			
2-08-05 Shop Supplies		360	360
2-08-10 Furn. & Equip. under \$500		475	475
2-08-15 Printing		500	500
2-09-00 Training		1200	1200
2-09-05 Training			
2-10-00 Travel			
2-10-05 Mileage			
2-10-10 Public Transport Fares			
2-10-15 Per Diem			
2-10-20 Registration Fees			
2-10-25 Lodging & Meals			
2-10-30 Other			
2-11-00 Vehicle Costs			
2-11-05 Fuel		56160	56160
2-11-10 License & Fees		225	225
2-11-15 Oil & Lubricants		1050	1050
2-11-20 Replacement Parts			
2-11-25 Tires			
2-11-30 Vehicle Maintenance			
2-11-35 Vehicle Painting		3000	3000
2-11-40 Vehicle Interior Maintenance		12000	12000
2-11-45 Freight			
2-11-50 Vehicle Repair		24000	24000
2-12-00 Indirect Costs			
2-12-05 Indirect Costs			
TOTAL ELIGIBLE COSTS		454,401	454,401

(Operating Continued)			
REVENUES (specify)			
Fare Box Revenues (only fare box revenues reduced from Operating)			\$21,450
TOTAL REVENUES			\$21,450
NET OPERATING COSTS (total Operating less fare box revenues)			**432,950

NOTE: ****** This number should match the number entered on Page I, Section II – Summary of Budget Request

LOCAL SHARE SOURCES: Specify source, i.e., “fare box,” “GRT,” not a dollar amount.

LOCAL SHARE TOTAL (50%)	0	0	\$216,475

FEDERAL SHARE (50%)	0	0	\$216,475
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C) CAPITAL BUDGET

ELIGIBLE CAPITAL COSTS

ITEM DESCRIPTION	2015 ACTUAL EXENDITURES	2016 APPROVED BUDGET	2017 PROJECTED EXPENDITURES
3-01-00-Capital Costs			
3-01-05 Buildings			
3-01-10 Computers			
3-01-15 Furniture & Fixtures			
3-01-20 Radios & Base Stations			
3-01-25 Other Capital Expenses			
3-01-30 Benches/Signage			
3-01-35 Passenger Bus			
3-01-40 Surveillance System			
3-01-45 15 Passenger Van (W/Lift)			
3-01-50 15 Passenger Van (W/O Lift)			
3-01-55 Bus Shelters			
3-01-60 Mobile Radios			

TOTAL ELIGIBLE COSTS

NOTE: ******* This number should match the number entered on Page I, Section II – Summary of Budget Request

LOCAL SHARE SOURCES - Specify source, i.e., “fare box,” “GRT,” not a dollar amount.

TOTAL LOCAL SHARE (20%)			

FEDERAL SHARE (80%)			
---------------------	--	--	--

1. Why do you need this equipment (check all that applies)?

<input type="checkbox"/>	Replace existing vehicle(s) (LIST VIN, TYPE, MILEAGE, AND AGE OF EACH VEHICLE)
<input type="checkbox"/>	Establish service to new area
<input type="checkbox"/>	Add wheelchair capacity to existing vehicles
<input type="checkbox"/>	Increase number of vehicles available for demand responsive service
<input type="checkbox"/>	Decrease vehicle size for service
<input type="checkbox"/>	Increase vehicle size for service
<input type="checkbox"/>	Improve passenger access to service

State price agreement for vehicles is available at this time (Web link to price agreement number)

Low Floor:

http://dot.state.nm.us/content/dam/nmdot/Transit_Rail/11787_LowFloor_Para-Transit_Vehicle.pdf

Medium/Small Sized Vehicle:

http://dot.state.nm.us/content/dam/nmdot/Transit_Rail/11788_Small_Medium_Sized_Bus_Amendment_1.pdf

28 Passenger Vehicle:

http://dot.state.nm.us/content/dam/nmdot/Transit_Rail/11786_TwentyEight%20Passenger_Plus_Bus.pdf

Medium to Heavy Duty Vehicle:

http://dot.state.nm.us/content/dam/nmdot/Transit_Rail/11789_Medium_Heavy%20Duty_Bus_Amendment_1.pdf

Agencies have two options (1) Order vehicle(s) from approved price agreement (Web link above) or

(2) Implement your own competitive bid procurement process

Description, quantity, and cost of capital items to be purchased:

Refer to Section 3-01-00 of this application (Capital Costs)

D) Please provide and check each item.

1. ☒ Copy of Articles of Incorporation
2. ☐ Copy of 501(c)3 Certification
3. ☐ Copy of most current audit
4. ☐ If transit-related audit findings occurred, copy of corrective action response submitted to auditor

IV. Program Description

A. Check all that apply:

<input checked="" type="checkbox"/>	Fixed route – vehicles will travel on specific roads and stop at pre-designated locations according to a schedule
<input type="checkbox"/>	Demand response – vehicles pick people up when they need a ride (similar to a taxi service)
<input type="checkbox"/>	Modified fixed route – vehicles travel from Point A to Point B but go out of the way to pick up or drop off passengers

B. List all the municipalities and counties served by your program:

Dona Ana County, Las Cruces, Sunland Park, Town of Mesilla, Truth or Consequences, Anthony, NM, Village of Willamsburg, Chaparral, City of Elephant Butte, Alamogordo, Sierra County, and Otero County.

C. This request for funding will (check all that apply):

<input type="checkbox"/>	start up new services
<input type="checkbox"/>	reduce service from current level
<input checked="" type="checkbox"/>	maintain service at current level
<input type="checkbox"/>	expand existing service to additional areas

D. If applicable, please briefly describe the new or expanded service.

V. Description of Service Area

A) Check the most appropriate description of your community:

<input type="checkbox"/>	Urbanized Area (UZA) or Large Urban areas with population of 200,000 or more
<input type="checkbox"/>	Small Urban areas with population of 50,000 – 199,999
<input checked="" type="checkbox"/>	Non-urbanized/Rural (50,000 people or less)

B) Please complete the following demographic information for your service area. Exact counts are preferred, but estimates are acceptable. For this section, you are describing the same population two different ways, so your total number of population served by ethnicity category should equal the total number of population by elderly or disabled status.

Ethnicity Category	Population	%
Black	3,656	1.75
Hispanic	137,514	65.72
Asian or Pacific Islander	2,227	1.06
American Indian or Alaskan Native	3,147	1.50
White	56,160	26.8
Other	6,529	3.17
	*209,233	100

= TOTAL* =

%	Population	Elderly/Disabled Category
12.37	25,881	Elderly (non-disabled)
13.2	23,050	Persons with Disabilities (including elderly)
75%	160,302	Other (everyone else)
100%	*209,233	

* These totals should equal.

I. Source of Information (if other than US Census Bureau):

U.S. Census _____

2. Please provide and check:

X_____ Map of Service Area (on 8 ½ X 11 page)

Attached

VI. Ridership and Transit System Statistics

A) Complete years that are applicable

Line #	Category	2015	2016*	2017 Projected
1	Annual Ridership			26000
2	Annual Mileage			244660
3	Annual Vehicle Hours			9230
4	Annual Revenues			\$21,450
5	Total Administrative Costs			\$279,851
6	Total Operating Costs			\$454,401
7	Total Non-capital Costs (line 5 + line 6)			\$734,252
8	Fare box Recovery (line 4/line 7)			.0292
9	Operating Recovery (line 4/line 6)			.0472
10	Total Cost per Hour (line 7/line 3)			\$79.55
11	Operating Cost per Mile (line 6/line 2)			1.85
12	Operating Cost per Hour (line 6/line 3)			49.23
13	Operating Cost per Trip (line 6/line 1)			17.47
14	Trips per Mile (line 1/line 2)			.10
15	Trips per Hour (line 1/line 3)			2.81

* Prorate statistics to end of FY.

VII. Vehicle and Fixed Assets Inventory – include all vehicles

Information for each vehicle is extended to the next page.

Please add additional sheets if necessary.

#	Make/Model	Year	Mileage	VIN #	Status (R = regular service, B = backup, S = spare)	Ambulatory/ Walk-On Psgr. Capacity.	Last Preventive Maint. Date	Wheel-chair Spaces (# of, or 0)	Lift / Ramp Equipped? (yes or no)	Condition (E = excellent, G = good, F = fair, P = poor)	Grant Source of Funding (e.g. '5311 FY09')	Estimated Replacement Date
1	StarCraft/XL3 2	2015	30577	A51955	R	28		2	Y	E	STATE	9/25
2	StarCraft/XL3 2	2015	30577	A51958	R	28		2	Y	E	STATE	9/25
3	StarCraft/XL3 2	2015	30577	A40351	R	28		2	Y	E	STATE	9/25
4	StarCraft/XL3 2	2015	30577	A51952	R	28		2	Y	E	STATE	9/25
5	StarCraft/XL3 2	2015	30577	A40349	R	28		2	Y	E	STATE	9/25
6												
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22												

VII. Vehicle Inventory – include all vehicles

#	Category	Length	Approx GVW	# of Seats	Average Cost	Minimum Life		Vehicle /w Gas	Vehicle /w Diesel (D) or Alternative (A)	Maturity Date	If purchased w/ ARRA funds= A
						Year	Miles				
1	BUS	32	19500	28	92500	2015	350000	5	0	9/2025	
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											
21											
22											

VII. Other Fixed Assets:

Transit-related items purchased with FTA funds that have been purchased within the last five years and have not been disposed.
(Please add additional sheets if necessary.)

#	Year purchased	Description of Item	Physical Location (if mobile item =M)	Item Assigned to (Name)	Purchase Date	Make	Model Serial #	Purchase Price	IF ARRA =A
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									

CERTIFICATION: I certify that the information given in Section VII of this application is complete, accurate, and true to the best of my knowledge. Signature: _____ Title: _____

VIII. Civil Rights

- A) Please provide a list of any active law suits or complaints naming your organization/agency with alleged discrimination on the basis of race, color, sexual preference, or national origin with respect to service or other transit benefits.

If there have not been any lawsuits or complaints, please respond "NONE."

NONE

- B) Also provide a summary of all civil rights compliance review activities conducted during the last three (3) years. The summary shall include:

1. Purpose or reason for review;
2. Name of organization performing the review;
3. Summary of findings and recommendations of the review; and
4. Report on the findings and recommendations of the review.

Please respond "N/A" if not applicable. N/A

- B) Finally, provide a list of any additional transit related funds or applications currently in place, which will supplement this grant. Please respond "N/A" if not applicable.

N/A

IX. Program Coordination

- A. Please attach a description of your efforts to coordinate service with other organizations (i.e. senior centers, other §5310, and §5311 providers), local governments, etc.

SEE ATTACHED – Coordinated Transportation SCRTD Service Area

- B. Please document when and where your public notice appeared and discuss the responses received.

Public Notice and comments provide at SCRTD Board Meeting, March 16, 2016.

Please attach a copy of your affidavit of public notice of your intent to apply for federal funds here.

Notice Attached.

- C. Please check all that apply and provide copy:

ALL APPLICANTS MUST PROVIDE THE FOLLOWING	
X	- Municipal, Board, or Council: Letter of Resolution of Support including dollar amount for local match
X	- Copy of Affidavit of Public Notice of Agency's Intent to Apply for Federal Funds

Please mark as "N/A" if not applicable.

- D. Please check all that apply and provide copy:

IF AGENCY HAS PUBLIC HEARING PROVIDE THE FOLLOWING:	
X	- Copy of Published Public Hearing Notice
X	- Affidavit of Publication of Public Hearing Notice
X	- Minutes of Public Hearing, Copies of Exhibits and Written Statements

Please mark as "N/A" if not applicable.

These are available following March 16th SCRTD meeting.

X. Program Justification

Please attach an essay no longer than five pages. The Operations Profile in Section XI will not be counted as part of these five pages. Explain in detail the need for this program. Please include any changes or expansions in your program and tie them to your budget request. Please include your mission statement, goals and objectives for your program for this Application Year.

Mission Statement

The mission of the South Central Regional Transit District (SCRTD) is to provide the public with safe and efficient regional transit system. The system increases access and mobility, reduces congestion, improves the environment, and supports economic development, thereby enhancing the quality of life.

Goal and Objectives

The goal of SCRTD's transit service is to provide cost-effective, efficient, passenger transportation service in Mesilla Valley in areas that do not presently have service. This will provide adults, students, seniors and individuals with disabilities with public transportation that is presently not provided.

Geographic and Socio-Economic Challenges

Doña Ana County (DAC) is a 3,800 square mile jurisdiction in Southern New Mexico. It borders El Paso County, Texas, to the east/southeast and shares its borders with the state of Chihuahua, Mexico. DAC includes five municipalities and 23 Census Designated Places. Doña Ana County is facing a number of challenges as it plans for the future. Compared to the rest of New Mexico, the county has a younger population, higher poverty rate, larger Hispanic population, and higher combined transportation and housing costs.

In Doña Ana County, the household median income is \$35,717. In New Mexico, the median income is \$43,028. Furthermore, Doña Ana County has a 24.5% rate of persons in poverty status. Nearly one in four of the Doña Ana County residents is below the poverty line.

Geographically, the service area lies along the Rio Grande Valley south of Las Cruces nearly to the Mexican border. This location is fortunate as the population is not spread out across the county; it is concentrated in this corridor, making transit service more viable.

Service Provided

The South Central Regional Transit ¹⁴District (SCRTD) was formed in 2006. Some starter routes existed in 2014, but the referendum failed, so that service was discontinued. Service was recently restarted (only in the south valley and east to

Alamogordo) using funds from membership fees, a Doña Ana County commitment of up to \$750,000 per year for the next two years, five buses purchased with funds from local state legislators, office space from the City of Las Cruces, and advertising revenue from various local entities.

The service, morning, midday, and evening, includes two routes between Las Cruces and Anthony (on two different highways), one route between Chaparral and Anthony, and one route between Sunland Park and Anthony. In addition, the SCRTD contracts with Z-Trans (coming from Alamogordo) to make stops east of Las Cruces. The Mesilla Valley Intermodal Transit Terminal (MVITT) provides a hub in Las Cruces for the SCRTD routes, the Alamogordo routes, and the Las Cruces RoadRUNNER transit to meet. Anthony serves as a hub for the routes in the southern part of the county. Sun Metro provides connections within a short walk in Sunland Park near the Casino.

Need

Public transportation challenges have been identified in several different ways—studies by the Empowerment Congress, the development of a Transit Needs Index (TNI) for incorporated communities, public meetings held by the consultant, TransCom, and a Health Impact Assessment (HIA) conducted by the Center for Resource Management (CERM) at University of Texas at El Paso (UTEP).

In 2013, the Empowerment Congress, a project of the Ocotillo Institute for Social Justice funded by the WK Kellogg Foundation, chose public transportation as the first issue that would be addressed “for both its importance to residents across the county and its ability to affect other areas of concern.” In an informal survey (208 respondents) of residents of the colonias scattered across the county, the number one reason for wanting transit is that people do not have enough money for gas (27%). A close second is they have no vehicle (24%) or the vehicle is broken (5%). Twelve per cent cannot drive. Other reasons include being unable to drive because of illness, and not having a driver’s license.

Other documentation of the need for public transportation comes from census data and can be found in the SCRTD Service and Finance Plan. As a whole, Doña Ana County’s transit need is similar to that of the United States with a needs index of 10, or Substantial Transit Need. Las Cruces and Santa Teresa fall right at the national average. Mesilla, Radium Springs, and White Sands show a lower than national average.

All of the rest of the communities within the county have higher than the national average transit needs. University Park is the community with the highest need for additional transit with a score of 13, or a Major Transit Need. At the next level, Anthony, Vado, and Sunland Park all have major transit needs considerably higher than the national level. In Anthony, only 42.7% of the residents earn the median income and the number of persons living in poverty in Anthony is three times the national average. Vado is among the communities that saw a decrease in the percentage of residents earning the median income and more than a third of its residents live in poverty. In Sunland Park, fewer than 40% of their residents earn the median income (an extraordinarily high number) and the number of people living in poverty has increased. Those communities with a score of 11 are Chaparral, Doña Ana, and Hatch. While the need for transit is not as pronounced as in some of the other communities, there still exists a substantial need for transit in these communities.

According to the Center for Neighborhood Technology (CNT), the residents of Doña Ana County spend more¹⁵ than 65% of their annual income on housing and transportation combined. For a community (Sunland Park-US Census)

with a medium household income of \$25,990, that leaves slightly over \$9,000 for all other living expenses.

The consultant, TransCom, conducted in excess of 25 community meetings in each of the ten member entities beginning in May 2012. These meetings made very clear that people need public transportation because they do not have any means to access educational and vocational opportunities, social and medical services, and shopping. The discussions also centered on the need to travel long distances to employment, educational facilities, and health services, with efficiency and regularity. Residents of the valley south of Las Cruces feel especially isolated by the lack of transportation.

In 2015, the Center for Environmental Resource Management (CERM) at the University of Texas at El Paso (UTEP) surveyed over 1000 people as part of a Health Impact Assessment (HIA). Their findings suggest that transit would improve access to all types of health care services for preventative, acute, and chronic diseases; improve access to fresh fruits and vegetables; reduce risky behaviors due to isolation; and encourage physical activity. Transit would also improve access to economic opportunities and educational opportunities, reduce emissions, and improve road traffic safety.

The SCRTD—

- Provides public transportation services in areas where no transit service exists.
- Coordinates service with existing services in the region.
- Provides transportation in rural areas, small un-incorporated communities, and municipalities.
- Strengthens and supports economic well-being of its citizens, businesses, service providers, and member governments.
- Complements regional planning such as Viva Dona Ana, Complete Streets, and the Mesilla Valley Metropolitan Planning Organization (MPO).

The SCRTD has five goals.

Goal 1: Establish, Maintain, and Expand a Safe and Efficient Public Transportation System

Objectives: Service began on February 22, 2016; will continue to refine service throughout the Application Year.

Goal 2. Coordinate with Existing Public Transportation Agencies Operating Within and Adjacent to the SCRTD

Objectives: During the Application Year, will continue refining connectivity with Z-Trans, RoadRUNNER, and NMDOT Park and Ride; add stops and synchronize service to allow connections with the El Paso County Rural Public Transportation Service and the El Paso Sun Metro system; develop improved public transportation facilities in Anthony, Santa Teresa, Chaparral, and Sunland Park to expand access to local, regional, national, and international public transportation systems, and other destinations and services identified as essential by the SCRTD.

Goal 3. Utilize a Progressive Financial Planning Process

Objectives: Use a combination of local, state, and federal revenues and funding to operate the SCRTD service during Phase Two and subsequent Phases; continue to apply and utilize FTA funding annually; have a Gross Receipts Tax (GRT) placed on local ballots after Phase One has been established and the SCRTD determines that Phase Two should be implemented.¹⁶

Goal 4. Develop Partnerships with Private Sector Employers and Not-For-Profit Organizations

Objectives: Identify private sector employers and not-for profit organizations that can benefit from the implementation and growth of the SCRTD's public transportation services; utilize the input from those employers and organizations to refine services; utilize funding and resources from those employers and organizations to augment and support the SCRTD's activities; use the support of those private sector employers and organizations to obtain successful passage of the GRT.

Goal 5. Implement and Use a Public Outreach Plan and Develop a Long Range Transportation Plan

Objectives: Maintain local community memberships and continue to participate in local government planning and NMDOT's long range planning processes; establish and maintain a public outreach program designed to inform and solicit input from communities and populations that have or may have an interest in and need for the SCRTD's services; develop and adopt a long-range public transportation plan based on existing planning documents of its member organizations, the Las Cruces and El Paso MPOs, and the New Mexico Department of Transportation;

Performance Indicators

Total annual revenue
Sources of revenue
Total annual operating costs
Total annual capital costs
Fleet size and type, and related facilities
Revenue vehicle miles
Operating costs per revenue mile
Trips provided by route and by stop
Unlinked passenger trips per revenue mile
Unlinked passenger trips per vehicle revenue hour
Operating costs per vehicle revenue hour
Operating costs per unlinked trip
Passengers per mile
Complaints
Ridership
Revenue per passenger and revenue per mile
Cost per vehicle mile
Schedule adherence (on time performance)
Accidents
Passenger comfort, safety and security

Justification for Funding:

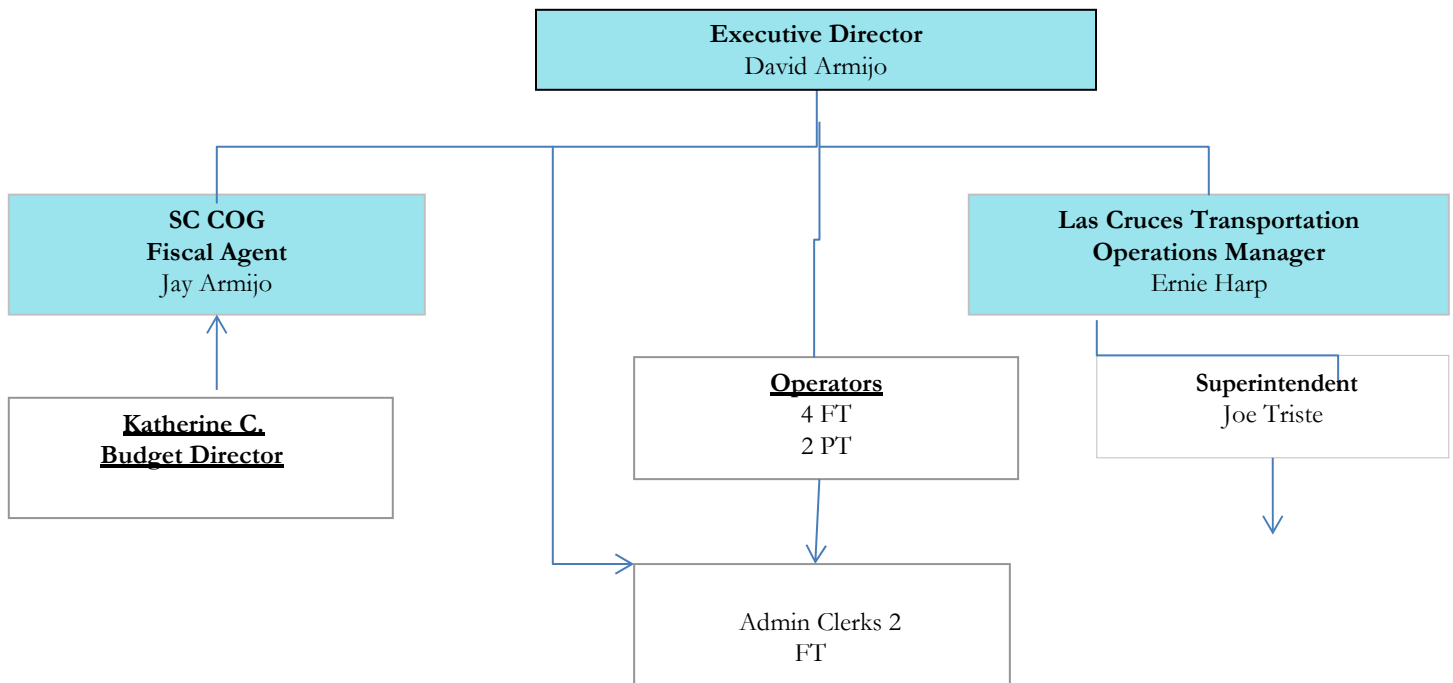
This program as is this request for funding is needed because there is no transit service alternative in the Mesilla Valley. There is limited service in El Paso and Anthony but only a single stop. The implementation of this fixed route service will give community members access to transportation with stops located along the route, routes that span 25 to 30 miles in distance.

XI. Operations Profile

(Items to be included in the application)

1. Table of Contents
2. Organizational Structure

SCRTD Organization Chart



3. Mission Statement

The mission of the South Central Regional Transit District (SCRTD) is to provide the public with safe and efficient regional transit system. The system increases access and mobility, reduces congestion, improves the environment, and supports economic development, thereby enhancing the quality of life.

4. Brief Description of Transit Program

a. Service area

Dona Ana County contains 94.5 percent of the SCRTD's population with the remaining 5.5 percent of the population resides in Sierra County. The SCRTD primarily resides along the Rio Grande Valley, but due to the size of the District has a low population density. The total area in square miles is 7,995.

b. Route design

Bus service is operated via five bus routes, the Yellow route operates from Alamogordo to Las Cruces east side; two routes, both Red and Blue operate via Hwy 28 and Hwy 404 between Mesilla Valley Intermodal Transit Terminal to Anthony, New Mexico. Anthony, NM services as a Transit Hub with connections to Chaparral via the Orange Line and from Anthony south to Sunland Park via the Purple line.

c. Schedule (days and hours of operation)

Bus service operates Monday through Friday from 630 a.m. to 6:30 p.m.

d. Fare structure (amounts, how set and by whom?)

The SCRTD board has established a fare schedule that includes:

Adult fare at \$1.00 per trip; seniors, Students and persons with disabilities at a reduced fare of \$.50 cents per trip. Transfers are free.

e. Advertising/marketing

The annual budget includes plans to advertise on buses and to market the new service.

5. Administrative Employees

a. Title and job description

SCRTD Executive Director

Job Description

Subject to the supervision of the South Central Board of Directors, and as further defined in the Agreement, the responsibilities and authority of the Executive Director shall include the following:

Job Functions

Directing, coordinating, and supervising the day-to-day operations of the SCRTD.

Plans, and implements programs, and procedures in compliance with the SCRTD Board Policy.

Organizes and manages agency Operations to achieve SCRTD's strategic plans and goals;

exercises independent judgment within general policy guidelines to meet SCRTD goals, objectives,

and directives to provide safe and effective transit services for elderly and disabled adults;

evaluates and analyzes transit issues, and recommends and implements solutions;

recommends changes to improve the public transit functions and processes; assures the overall integrity of customer relations and employee conduct, and resolves customer service issues.

Executes policies of the Board related to the administration and operational services of the SCRTD. Provides leadership, direction, and guidance in Transit Operations issues and functions; coordinates the programs with State, Federal, and regional agencies and local community groups; assures 'Transit Operations' services, and activities are in compliance with all laws, policies, regulations, timelines, and goals; reviews and approves program plans, reports, and procedures; sets priorities and assures deadlines and performance standards are met; develops, evaluates, and manages budgets.

Manages and directs staff through appropriate delegation and work supervision; meets with staff to discuss and resolve workload, customer and technical issues; provides leadership and management to employees on technical and behavioral issues, management techniques, program standards, statutory requirements and other responsibilities; manages training programs for transit staff.

Serves as focal point for conflict resolutions of public/rider complaints, supervisor, and employee issues.

Oversees financial matters for the SCRTD including developing and implementing the agency's annual budget.

Manages the collection, analysis and presentation of operational and financial data, and generates reports as required; conducts public meetings and coordinates discussions on Transit Operations issues; interprets client concerns, defines desired results, develops solutions, and recommends direction of new programs and customer service strategies; manages planning for program development that addresses client needs and quality of life issues.

Develops and monitors the SCRTD budget, approves budget expenditures; prepares special and recurring reports; proposes and recommends budget changes/revisions for project and resource needs.

Manages the grant-funded programs, services and projects, and assures compliance with funding agency requirements.

Serves as department liaison to various committees and boards; prepares and presents verbal and written reports/cases, plans and related output to the SCRTD Council, MPO Commission, other Boards and committees as necessary.

Represents the SCRTD to outside agencies, organizations, and the public. Negotiates contracts and agreements with outside agencies and the private sector, and makes recommendations to the Board for approval.

Directing, coordinating, and supervising District staff in the implementation of and/or continued compliance with policies, rules, and operating procedures determined or approved by the Board.

Coordinating the Districts activities and policies with those of the City and its agencies and other regional authorities

Reporting to the Board on the day-to-day activities of the District.

With the assistance of General Counsel as appropriate, supervising the bidding or negotiating process for the procurement of goods and services, and securing Board approval of major contracts and awards.

Directing and monitoring all contracts and projects approved by the Board, including the approval and payment of ordinary invoices.

Directing, coordinating and supervising the development of operating and capital budgets.

Working with the Board of Directors on the development of initiatives and directing, coordinating and supervising their implementation

Recommending for consideration by the Board such policies and procedures concerning the organization, governance and operation of the Board and the District in general.

The Executive Director shall be referred to and described as such in internal and external communications of the District.

Education

Graduate degree in management, planning, public administration, engineering, or closely related field and 12 years of senior management experience, including six years in an executive-level position with supervisory, budgetary, and management responsibility over multiple divisions and functional areas.

Experience working in or with the public sector/ public transportation industry, local government, or transit organizations is highly desirable.

Transit Driver Job Description:

Job Description

Title:	Transit Driver II	Code:	102
Division:	Transportation	Effective Date:	02/16
Department:	Operations	Last Revised:	01/16

GENERAL PURPOSE

Performs **full performance, CDL licensed duties** in the operation of assigned NCRTD transport and passenger vehicles as needed to travel assigned fixed and "demand" service routes. Must possess a CDL license with multi-passenger "P" endorsement.

SUPERVISION RECEIVED

Works under the close to general supervision of the Transit Shift Supervisor(s) or Transit & Facilities Operations Manager.

SUPERVISION EXERCISED

None.

ESSENTIAL FUNCTIONS

Operates assigned passenger vehicles employing defensive driving techniques, maintaining professional courtesy while under stress, making public address announcements, properly answering questions and solving transit-related concerns of passengers, and exercising prudent judgment under a variety of constantly changing operating conditions.

Conducts self in an appropriate manner as a representative of the RTD, working effectively in a diverse work environment, using prudent judgment at all times, performing duties in a safe manner, and assuring professional quality of services to all external and internal customers.

Operates transit vehicles in revenue and non-revenue service while in strict compliance with RTD policies, directives, and procedures and all Federal and New Mexico traffic laws and 21 regulations. This includes using proper defensive driving techniques.

Performs RTD pre and post trip inspection of transit vehicles for mechanical problems prior to beginning scheduled run. This includes conducting an external/internal visual inspection of the transit vehicle and pre-testing of necessary equipment, operating/safety devices, and transit vehicle controls for use while in service. Also conducts an internal visual inspection at the end of the schedule service day to collect and turn-in lost items.

Completes accident and incident reports accurately and legibly as necessary at the end of scheduled shift resulting from traffic accidents, customer issues or complaints.

Provides customer service information in a courteous, professional manner. This includes operating the automated stop announcements system and /or stating stop and public information announcements over the public address systems, and properly answering questions and solving transit-related concerns of passengers.

Complies with American with Disabilities Act (ADA) in operating the transit vehicle. This includes providing accessibility for disabled passengers to board and de-board by properly operating the accessibility lift and safely securing such passengers in a courteous manner, announcing designated stops, and pre-testing all passenger accessibility lifts and equipment during pre-trip inspections.

Communicates with Central Dispatch for the purpose of providing information on fares, transfers, ticket refunds, routes, and other District Transit policies and rules concerning conduct, service, and policy changes.

Informs Central Dispatch of passenger lift pick-up and drop-off locations, and when hydraulic passenger lift fails to operate properly or of missed pickups of passengers.

Observes and responds to emergency situations involving passengers, the public, or buses for the purpose of maintaining public/passenger safety, and proper bus operation.

Performs other related duties as required.

MINIMUM QUALIFICATIONS

1. Education and Experience:

A. Graduation from high school or GED;

AND

B. Five (5) years of driving experience and preferred one (2) years of experience performing above or related duties;

OR

C. An equivalent combination of education and experience.

2. Knowledge, Skills and Abilities:

Working Knowledge of current bus routes and stops within the District; transit system operations, routing and scheduling; basic customer relations techniques, i.e. fostering a positive attitude, maintain a courteous, helpful and professional demeanor, etc.; principles and procedures of record keeping; basic mathematic functions. **Some knowledge of** stress management.

Skill in using personal computers and applicable software applications including spreadsheets; English and grammar skills.

Ability to successfully complete the Bus Operator Training Program, which includes achieving the required minimum scores on all written and driving tests and evaluations; tell time and keep a timely schedule; read and understand maps and time tables, which includes determining directions and following a mapped-out route; demonstrate maturity sufficient to deal with high volume customer service interaction and related stress; use prudent judgment and common sense in making quick, safe decisions with minimal supervision and adapt to constantly changing operating environments; keep all information confidential within the department; adhere to all approved District policies and procedures and regulations; maintain a clean, healthy, and safe working environment; be responsible and accountable for property assigned; effectively communicate, both orally and in writing, while interacting with customers and RTD staff in a courteous, professional manner. This includes providing good customer service by attending to the needs of a diverse customer base in a sensitive manner.

3. Special Qualifications:

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Must be 21 years of age. **For Driving by District Regulations:** (1) Ability to sit without discomfort for prolonged periods of time on a variety of driver's seats in different models of transit vehicles, and fit behind the steering wheel with

clearance between abdomen and wheel; (2) turn head up to 180 degrees in either direction on a regular and frequent basis; (3) walk to enter and exit the vehicle. **For Wheel Chair Tie-Downs:** Ability to bend, crouch, and/or kneel and balance while simultaneously manipulating and fastening tie-down straps. **Licensing and Special Requirements:** (1) Must obtain and maintain a valid State of New Mexico Commercial Driver's License (CDL-A or B) with (P) endorsement and airbrake certification or must obtain and maintain a NM Commercial Driver's License (CDL-A or B) with a "P" endorsement through the North Central Regional Transit District within six (6) weeks of hire date and meet the District's driving standards; obtain and maintain all other endorsements/clearances required by DMV and obtain DOT medical certificate and maintain such for the duration of employment as a Driver. (2) Must satisfactorily complete the District's New Operator Training Program.

4. Work Environment:

While performing the duties of this job, the employee is normally within a field environment; exposure to dust, fumes, exhausts, various noise levels, various temperatures, and chemicals for an extended length of time as well as in various outdoors weather conditions as required. Position requires maintaining physical condition necessary for sitting for prolonged periods of time.

b. Appearance and conduct

Operators are required to meet both appearance and conduct in the execution of their duties. Further details are provided in the Drivers Rule Book attached.

c. Training plan

The Drivers Rule Book is an essential part of the training program because it sets forth the requirements for the Driver to execute their assignment each day. The Drivers receive three weeks of class room and behind the wheel training prior to becoming an operator and are giving one hour of on-going training every quarter.

d. Qualified Drivers and Dispatchers

SCRTD hires certified CDL drivers with a clean work record within the previous three year driving history. The prospective driver's driving history is submitted to our insurance provide for review. Once this review is completed then a formal hire may be executed.

e. Hiring procedure:

Screening of Job Applicants: Initial screening assures all new hires have a proven record of safety with regard to driving and job associated physical and mental abilities. The pre-employment physical assures that each employee is physically fit and free of chemical dependency. Applicants must pass the Department of Transportation (DOT) physical including drug screening and have a Department of Motor Vehicles record clear of moving violations for three years.

f. Background check

Operators are subject to background check upon hire for a position. The operators MVR is used and provided to our insurance broker Levitt Insurance for review.

g. Driver record

Drivers our hired with a clean record with no accidents or incidents within a three year period and the District monitors NM DOT tracking of points on the Commercial Driver's License. 23

h. Valid driver's license

A valid driver's license is essential to be qualified to drive and to have insurance coverage. Each operator is responsible for informing the District of their driving status. Routine checks are made every quarter and randomly to ensure an operators status to drive is met.

i. Training plan

SCRTD hires CDL operators with a training record of a minimum of one year or more. Each operator gets three weeks of combined class room and behind the wheel training to learn each of our four bus routes. Further details of the training program are included within our accident prevention program.

Accident Prevention Program

The safety of the public, our passengers and personnel is SCRTD's first priority. All personnel receive extensive initial and on-going safety training. Employee involvement in all safety programs is encouraged (accident review committee, check rides and safety meetings as examples). SCRTD takes a holistic approach to risk management and safety in the firm belief that all members of the organization must contribute to the safety of employees, passengers, and the general public. Elements of our accident prevention program include:

Safe Revenue Vehicles: Safe vehicle operation begins with specifying and procuring revenue vehicles, which are inherently safe in terms of maneuverability, operator vision, braking power, etc.

Safe Operating Routes and Schedules: Safety is built into routes and schedules through such techniques as allowing adequate operating time, minimizing left-hand turning movements, and avoiding dangerous intersections when possible. Route safety may be enhanced through capital improvements, such as increasing curb radii and street widening. We will also review every lay-over location for safety concerns, such as speed limit of roadway and traffic levels and congestion.

Safe Working Environment: Safety in transit shops and offices is promoted by demanding a high level of cleanliness and physical order, by providing safety devices such as eye goggles and enforcing their use, by publishing written safety rules and reminding employees of safety through posters and bulletins, and by working closely with safety inspectors provided by the workers compensation insurance carriers.

Safety Oriented Training: SCRTD's operator training program emphasizes prevention of accidents through attentive and defensive driving, claims reduction through proper handling of passengers after an accident, effective use of radio communications, obtaining witness references, monitoring the accident scene, and completing thorough accident reports in a timely manner. Proper safety procedures and techniques are reinforced at regular safety meetings.

Detailed Documentation and Review of all Accidents and Incidents: Accurate data collection and analysis is essential to effective risk management. Through identification of problem areas and trends, corrective measures are applied through adjustments in training program, retraining of individuals or groups, special emphasis on safety meetings, and avoidance or removal of physical hazards and conditions.

Employee Involvement: Employee peers are included in accident review committees. They participate in the review and classification of accidents, and in suggesting improvements and safety programs.

Positive Reinforcement: Accident free performance is reinforced with awards and recognitions. Rewards are given for: a) No ²⁴reportable accidents and no Workers'

Compensation claims; b) Safety performance improvement; and c) Safety solutions and suggestions.

Individual Counseling and Retraining: Special counseling and retraining are conducted as needed, based on accident data analysis and continuing observations of operators on the job by supervisors and managers.

Progressive Discipline: While monitoring, counseling, and retraining are aimed at helping operators acquire and maintain safe performance, progressive discipline, eventually leading to possible termination of employment, is utilized for preventable accidents and unsafe acts if attempts to modify behavior are not successful.

j. Job description (listed elsewhere in this document)

k. Appearance and conduct

Vehicles are cleaned and inspected throughout the day by the operators. A full vehicle wash and cleaning inside and out is done once a week.

6. Vehicle fleet

a. Number of vehicles with NMDOT lien

Five buses and information is provided in inventory section.

b. Number of vehicles with NO NMDOT lien

None.

c. Maintenance schedules

The District operates buses with OEM parts and procedures provided by the manufacture to meet warranty restrictions. Scheduled maintenance includes oil changes every 7,500 miles, inspections every six months and AC and Heating work done seasonally.

d. Inspection procedures

Operators provide a 15 minute precheck of the vehicles each day prior to entering into service.

e. Vehicle replacement

Bus will be replaced at ten year intervals with funding programmed from local, state and federal sources.

7. Accident/Incident Reporting Procedures

a. Insurance forms in vehicle

Each vehicle includes an inspection form that includes a copy for the operator, management and the insurance company. These forms are used to track the history of the vehicle and for incident investigation.

b. Accident/incident reporting forms in vehicle

Similar to the insurance form, the accident/incident form is a multiple copy form that is used to track incidents and provide a catalogue of data for use by²⁵ management and audit.

8. Passenger policy and procedure (see notice below and on the SCRTD website)

ENHANCING YOUR RIDING EXPERIENCE:

The SCRTD is committed to providing a safe and comfortable experience.

We kindly ask that for your benefit and that of your fellow passengers you respect the guidelines and rules outlined below so you can continue to enjoy the service.

FOR EVERYONE'S SAFETY:

Vehicles are equipped with video and audio surveillance

Please remain seated while the vehicle is in motion

Children under the age of 10 must be accompanied by an adult or guardian

We can carry only 2 bikes—bike racks are “first come, first served”

OUT OF COURTESY FOR EACH OTHER:

Please avoid playing music that can be heard by others

Please avoid talking loudly on your cell phone

Appropriate clothing must be worn (shirt, pants/bottoms and shoes)

We love little furry friends, however only service/guide animals necessary for travel by passengers with disabilities are allowed on the bus

WE TAKE PRIDE IN KEEPING OUR BUSES CLEAN FOR YOU! TO HELP US:

Food in a sealed container is okay, but eating is not permitted on the bus

Only non-alcoholic beverages in a sealed hard container can be consumed

Please don't put your feet on your seat or back of the seat in front of you

Please use trash receptacles on the bus and at the bus stops

DRIVERS HAVE THE RESPONSIBILITY TO REFUSE SERVICE WHEN THEY SEE:

Smoking on the bus, Open Alcoholic beverages, legal drugs, Offensive or threatening language, Belligerent behavior, Weapons

LOST ITEMS?

While the SCRTD is not responsible for lost or stolen items, we encourage you to notify the RTD at (575) 323-1620 to see if it's been recovered

Lost and found items are only kept for 30 days

XIII. Checklist

THE FOLLOWING ITEMS MUST BE INCLUDED WITH THIS APPLICATION. SHOULD ANY OF THESE ITEMS BE MISSING OR INCOMPLETE, THE APPLICATION MAY BE REJECTED BY THE NEW MEXICO DEPARTMENT OF TRANSPORTATION. THIS CHECKLIST MUST BE SUBMITTED WITH THE APPLICATION. DO NOT LEAVE ANY ITEMS BLANK.

SECTION	DESCRIPTION	CHECK ✓
I	Applicant Information (signed)	X
II	Summary of Budget Request	X
	Financial Information	X
	A. - Administrative Budget	X
	B. - Operating Budget	X
	C. - Capital Budget	
	D. - Provide the following:	
	1 - Copy of Articles of Incorporation	X
	2 - Copy of 501(c)3 Certification	
	3 - Copy of most current audit (one COMPLETE copy)	
	4 - If transit-related audit findings occurred, copy of corrective action response submitted to auditor	
IV	Program Description	X
V	Description of Service Area	X
	- complete demographic information	X
	- provide Map of Service Area (on 8 ½ X 11 page)	X
VI	Ridership and Transit System Statistics	X
VII	Vehicle Inventory (include all vehicles) and Other Fixed Assets	X
	- complete all vehicle and transit-related inventory lists	X
	- sign Inventory Certification	X
VIII	Civil Rights	X
IX	Program Coordination	X
	- Copy of your affidavit of public notice of your intent to apply for federal funds	X
	- Municipal - Board - Council: Letter of Resolution of Support	X
	<i>If Applicable:</i>	
	- Copy of Published Public Hearing Notice	X
	- Affidavit of Publication of Public Hearing Notice	X
	- Minutes of Public Hearing, Copies of Exhibits and Written Statements	X
X	Program Justification	X
XI	Operations Profile	X
XII	Checklist	X

MAIL ONE APPLICATION WITH ORIGINAL SIGNATURE AND ONE ADDITIONAL COPY POSTMARKED NO LATER THAN SEPTEMBER 4, 2015 APPLICATIONS POSTMARKED AFTER THIS DATE WILL NOT BE CONSIDERED.

FAX AND E-MAIL COPIES OF YOUR APPLICATION WILL NOT BE ACCEPTED.

Please be aware that if your application is selected for funding, you will be required to submit signed copies of the FTA Certifications and Assurances and the FTA Civil Rights Reporting Form

South Central Regional Transit District
AFFIRMATIVE ACTION PLAN
EQUAL EMPLOYMENT OPPORTUNITY
Approved by Board of Directors
TBD

Equal Employment Opportunity Policy Statement

South Central Regional Transit District (SCRTD) management and staff pledge their continued support to the Federal Transit Administration's (FTA) program on equal employment opportunity affecting employment practices, to include recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions as set forth under the requirements of Circular 4704.1; approved on July 26, 1988.

SCRTD is firmly committed to a policy of equal employment opportunity and will administer its personnel policies and conduct its employment practices in a manner that results in treatment based on merit, experience and other work related criteria, without regard to race, color, creed, religion, sex, national origin, age, disability or any other protected characteristic under relevant state and federal laws.

SCRTD is further committed to undertake an affirmative action program, including recommended goals and timetables, to effectively advance program objectives.

Employee conduct, whether intentional or not, that discriminates against another employee due to race, color, creed, religion, sex, national origin, age, disability or any other protected characteristic under relevant state and federal laws will not be tolerated. Such conduct is cause for disciplinary action up to and including dismissal.

David Armijo, the Executive Director of SCRTD transit agency, has been delegated responsibility for developing and monitoring equal employment opportunity programs. However, management personnel at every level shares in the responsibility for promoting equal employment opportunity and ensuring requisite compliance. Managers, supervisors, and staff will be evaluated on the efforts they expend to insure the success of the EEO program the same as their performance on other organizational goals.

The SCRTD Administration is located at 300 W. Lohman, Las Cruces, New Mexico 88001. The Executive Director may be reached at 575-323-1620 or admin@scrtdd.org. Employee or applicant for employment who wishes to file a discrimination complaint is encouraged to do so.

David Armijo
SCRTD Executive Director

Date



U.S. Department
of Transportation

Urban Mass
Transportation
Administration

CIRCULAR

UMTA C 4704.1

July 26, 1988

Subject: **EQUAL EMPLOYMENT OPPORTUNITY PROGRAM GUIDELINES FOR GRANT
RECIPIENTS**

1. **PURPOSE.** The purpose of this circular is to provide guidance and instructions necessary to carry out the equal employment opportunity (EEO) provisions of Section 19 of the Urban Mass Transportation Act of 1964 (UMT Act), as amended, as they relate to all Urban Mass Transportation Administration (UMTA) programs. This will be accomplished through the prescription of requirements and procedures which, if followed, will ensure that no person in the United States shall on the grounds of race, color, creed, national origin, sex, or age be excluded from participation in, or denied the benefits of, or be subject to discrimination in employment under any project, program, or activity funded in whole or in part through financial assistance by UMTA. Similar prohibitions of employment discrimination on the basis of handicap apply to these projects, programs, and activities under Section 504 of the Rehabilitation Act of 1973.
2. **CANCELLATION.** This circular cancels UMTA Circular 1155.1, "UMTA Interim Equal Employment Opportunity Policy and Requirements for Grant Recipients," dated 12-30-77.
3. **SCOPE.** This circular applies to all assistance authorized by the UMT Act and all programs administered by UMTA.
4. **REFERENCES.**
 - a. Equal Pay Act of 1963, 29 U.S.C. 201;
 - b. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d;
 - c. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e;
 - d. UMT Act of 1964, as amended, 49 U.S.C. 1601;
 - e. Age Discrimination in Employment Act of 1967, 29 U.S.C. 633a;
 - f. Title IX of the Education Amendments of 1972, Public Law 92-318;
 - g. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794;
 - h. 28 CFR Part 42, Subpart F, "Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs";
 - i. 29 CFR Part 1605, "Guidelines on Discrimination Because of Religion";
 - j. 29 CFR Part 1606, "Guidelines on Discrimination Because of National Origin";

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- k. 29 CFR Part 1607, "Uniform Guidelines on Employee Selection Procedures";
- l. 29 CFR Part 1620, "The Equal Pay Act";
- m. 29 CFR Part 1625, "Age Discrimination in Employment Act";
- n. 49 CFR Part 21, "Nondiscrimination in Federally Assisted Programs of the Department of Transportation--Effectuation of Title VI of the Civil Rights Act of 1964";
- o. 49 CFR Part 27, "Nondiscrimination on the Basis of Handicap in Financial Assistance Programs";
- p. DOT Order 1000.12, "Implementation of the Department of Transportation Title VI Program," dated 1-19-77; and
- q. Part II, Section 110(a) of the UMTA Standard Grant Contract, dated 9-87.

5. BACKGROUND.

- a. Since 1977, UMTA has required an assessment of a recipient's EEO program to determine compliance with Title VI of the Civil Rights Act of 1964 and Part II, Section 110(a) of the UMTA Standard Grant Contract (formerly 109a), as part of the grant approval process. This was done through the issuance of UMTA Circular 1155.1.
- b. In 1982, the UMT Act was amended to include Section 19, "Nondiscrimination." Both Title VI and Section 19 prohibit discrimination on the part of recipients that have been funded by UMTA. Title VI prohibits discrimination on the basis of race, color, or national origin where a primary purpose of Federal financial assistance is to provide employment. Section 19 prohibits employment discrimination in all programs and activities that receive financial assistance from UMTA, expands prohibitions of discrimination to include sex, age, and creed, and authorizes affirmative action to assure nondiscrimination. In addition, discrimination on the basis of handicap is prohibited in UMTA-assisted programs and activities by the Rehabilitation Act of 1973, as amended.
- c. The guidelines and instructions contained in this circular are intended to reflect changes in UMTA programs, regulations, and rules since 1977, and to respond to the needs of those affected classes identified in Section 19 of the UMT Act. This circular has been updated to provide recipients with a thorough understanding of the UMTA EEO requirements.


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Administrator

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CHAPTER I

GENERAL

1. PURPOSE. Section 19 of the UMT Act states:

- "(a) (1) GENERAL. - No person in the United States shall on the grounds of race, color, creed, national origin, sex, or age be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part through financial assistance under this Act. The provisions of this section shall apply to employment and business opportunities and shall be considered to be in addition to and not in lieu of the provisions of Title VI of the Civil Rights Act of 1964.
- (2) AFFIRMATIVE ACTION. - The Secretary shall take affirmative action to assure compliance with subsection (a)(1) of this section."

To achieve EEO, UMTA is authorized by the Secretary to implement Section 19 for each program or activity providing financial assistance by issuing generally applicable rules, regulations, and requirements. The responsibility of UMTA is to ensure that grant applicants, recipients, subrecipients, contractors, or subcontractors of Federal financial assistance provide EEO to its employees, and those applying for employment in a manner consistent with Section 19 and other applicable legal requirements for nondiscrimination.

This circular provides information on the methods UMTA will use to enforce EEO requirements in accordance with its responsibilities under Section 19. The circular includes information, guidance, and instructions on the objectives of the UMTA EEO program and a detailed description of the components that must be included in a recipient's EEO program. Overall, a recipient, subrecipient, or contractor's program must prohibit discrimination based on race, color, creed, national origin, sex, age, or handicap. Although the guidance in this circular primarily addresses specific affirmative EEO program components required to eliminate discrimination on the bases of race, sex, and national origin, recipients, subrecipients, and contractors also must comply with applicable legal requirements for employment nondiscrimination on the basis of creed, age, and handicap. Legal standards prohibiting discrimination against persons 40 or older are established in the Age Discrimination in Employment Act of 1967 and in regulations and guidance interpreting this Act issued by the U.S. Equal Employment Opportunity Commission (EEOC) at 29 CFR Part 1625. Legal standards for nondiscrimination on the basis of creed, including the obligation for reasonable accommodation of religious needs of employees and applicants, are set out in 29 CFR Part 1605, implementing Title VII of the Civil Rights Act of 1964. Recipients also are referred to 29 CFR Part 1606, 29 CFR Part 1607, and to provisions of 29 CFR Part 1620. These regulations and guidance are incorporated by reference.

While Section 19 does not address employment discrimination against qualified handicapped persons, such discrimination is prohibited by Section 504 of the Rehabilitation Act of 1973. The implementing regulation is contained in 49 CFR Part 27, and is incorporated by reference.

2. OBJECTIVES. The objectives of the UMTA EEO program are:

- a. To ensure that UMTA applicants, recipients, subrecipients, contractors, and/or subcontractors will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or handicap;
- b. To ensure that UMTA applicants, recipients, subrecipients, contractors, and/or subcontractors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to: hiring, promotion or upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, disciplinary actions, rates of pay or other forms of compensation, and selection for training, including apprenticeship. It shall also include a written, affirmative action plan designed to achieve full utilization of minorities and women in all parts of the work force; and
- c. To ensure that UMTA applicants, recipients, subrecipients, contractors, and/or subcontractors will post in conspicuous places and make available to employees and applicants for employment, notices setting forth the recipient's EEO policy. In addition, applicants/employees will be notified of the recipient's procedures for filing complaints of discrimination internally, as well as externally with the EEOC, a local human rights commission, and/or the U.S. Department of Transportation (DOT).

3. DEFINITIONS. For purposes of this circular, the following definitions will be used:

- a. Affirmative Action Plan means a written, detailed, results oriented set of procedures designed to achieve prompt and full utilization of minorities and women at all levels and in all parts of the recipient's work force.
- b. Agency refers to an applicant, recipient, subrecipient, or contractor.
- c. Applicant means an eligible public entity or organization that submits an application for financial assistance under any UMTA program.

- d. Compliance refers to a condition in which UMTA has found that the applicant, recipient, or subrecipient has met the requirements in this circular, and there is no indication or evidence of discrimination on the basis of race, color, creed, national origin, sex, age, or handicap.
- e. Concentration means a higher representation of a particular group (e.g., Blacks, Hispanics, women, etc.) in a job category or department as compared to their representation in the relevant labor market.
- f. Contractor means any entity or organization which has entered into a contract with an UMTA applicant, recipient, or subrecipient.
- g. Discrimination refers to any act, or any failure to act, which has the purpose or effect of limiting, excluding, or denying a person employment opportunity because of race, color, creed, national origin, sex, age, or handicap.
- h. Good Faith Efforts refers to those actions taken to achieve the objectives of the EEO program. These actions may include, but are not limited to, the establishment and conduct of processes to implement specific provisions of this circular.
- i. Minority or Minority Group Persons includes the following:
 - (1) Black (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa;
 - (2) Hispanic: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
 - (3) Asian or Pacific Islander: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa; and
 - (4) American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
- j. National Origin means the particular Nation where a person was born or where the person's parents or ancestors were born.
- k. Noncompliance means a failure to meet the requirements of this circular and guidance issued pursuant to the circular or failure to implement an approved EEO program.

- l. Primary Recipient means any recipient that is authorized or required to request Federal assistance on behalf of subrecipients and distributes such financial assistance to subrecipients for the purpose of carrying out a program.
- m. Probable Noncompliance refers to a condition in which UMTA has found that the applicant, recipient, or subrecipient does not fully satisfy these requirements and has requested the applicant, recipient, or subrecipient to take remedial or corrective actions to achieve compliance or has initiated an enforcement action against the applicant, recipient, or subrecipient.
- n. Recipient means any State, political subdivision, instrumentality, or any public or private agency, institution, department or other organizational unit, to whom financial assistance is directly extended by UMTA.
- o. Secretary means the Secretary of DOT.
- p. Subcontractor means any entity or organization which has entered into a subcontract relating to transit service delivery with a contractor to provide a service in connection with a program or activity initiated by an applicant, recipient, or subrecipient.
- q. Subrecipient means any entity that receives UMTA financial assistance through a primary recipient.
- r. UMTA Activity means any program of assistance authorized by sections of the UMT Act; the Federal Aid Urban Systems Program, 23 U.S.C. 142(a)(2); and the Interstate Transfer Program 23 U.S.C. 103(4)(e).
- s. Underutilization refers to a condition where there are fewer minorities and/or women in a particular job category or department than would reasonably be expected based on their presence in the relevant labor force.

CHAPTER II

COVERAGE

1. GENERAL. All programs administered by UMTA are subject to Section 19 of the UMT Act. These include the assistance programs authorized by the UMT Act, 23 U.S.C. 142(a)(2), and 23 U.S.C. 103(e)(4). These programs are also covered by the implementing regulations 28 CFR Part 42, Subpart F and 49 CFR Part 21. In addition, all recipients are required to comply with Part II, Section 110(a) of the UMTA Standard Grant Contract.

The obligations set forth by this circular are to be redelegated to any contractor/subcontractor required to provide EEO on behalf of a recipient.

2. THRESHOLD REQUIREMENTS. Any applicant, recipient, or subrecipient is required to comply with program requirements in Chapter III if it meets the following thresholds:

- a. Employs 50 or more transit-related employees*; and
- b. Requests or receives capital or operating assistance under Sections 3, 4(i), or 9 of the UMT Act; assistance under 23 U.S.C. 142(a)(2) or 23 U.S.C. 103(e)(4), or any combination thereof, in excess of \$1 million in the previous Federal fiscal year; or requests or receives planning assistance under Sections 8 and/or 9 in excess of \$250,000 in the previous Federal fiscal year.

3. STATE-ADMINISTERED PROGRAMS.

- a. The UMTA EEO objectives apply to those programs that are administered by designated State agencies. Generally, these programs include the UMTA elderly and handicapped and rural assistance programs funded under Sections 16(b)(2) and 18 of the UMT Act, respectively. In addition, some States administer the UMTA planning and formula capital/operating assistance programs funded under Sections 8 and/or 9 of the UMT Act for urbanized areas under 200,000 population.

* A transit-related employee is an employee of an UMTA applicant, recipient, or subrecipient who is involved in any aspect of an agency's mass transit operation funded by UMTA. For example, a city planner involved in planning bus routes would be counted as part of the recipient's work force, but a city planner involved in land use would not be counted.

- b. Pursuant to a Memorandum of Understanding, the Federal Highway Administration (FHWA) has been delegated the lead responsibility to review and approve EEO programs submitted by State DOTs. In coordination with FHWA, UMTA reviews these programs and those of other State agencies to assure that EEO is provided to the work force related to mass transportation. In those instances in which State DOTs or other state agencies provide mass transportation, such agencies will submit their EEO programs, as required by this circular, directly to UMTA for review and approval. In the Memorandum of Understanding, UMTA has the lead responsibility for reviewing EEO programs submitted by Metropolitan Planning Organizations (MPOs) that meet the thresholds of this circular.
- c. State agencies must administer their EEO programs in the following manner:
 - (1) All designated State agencies will have the responsibility for assuring that their subrecipients are in compliance with the UMTA EEO objectives contained in Chapter I of this circular.
 - (2) All designated State agencies will maintain and provide data and report to UMTA as specified in Chapter III of this circular or at the discretion of the UMTA Area Civil Rights Officer. Data may be requested, especially in those cases where the designated State agency or subrecipient is the subject of an "onsite" compliance review by UMTA.
 - (3) All subrecipients will be responsible for complying with the EEO objectives contained in this circular. UMTA recommends that designated State agencies request EEO programs from their subrecipients as specified in this circular. This will enable designated State agencies to determine if subrecipients are in compliance with UMTA EEO objectives.

During the triennial review or at the discretion of the UMTA Area Civil Rights Officer, UMTA may request from designated State agencies the procedures and criteria used to determine the EEO compliance of subrecipients. UMTA may conduct independent onsite EEO compliance reviews of subrecipients to examine their records and to determine compliance with the UMTA EEO objectives and requirements.

- 4. CONTRACTING OUT AND PRIVATIZATION/COMPETITIVENESS PROGRAMS. In the planning and development of a recipient's contracting out and privatization/competitiveness programs, full consideration must be given to the EEO ramifications of such program planning and development. Such decisions must be justified on the basis of sound business planning.

Disparate impact on minority and female employees must be considered and appropriate steps taken to mitigate any hardships which might result from such decisions.

5. FREQUENCY OF UPDATE. Each applicant, recipient, or subrecipient meeting the EEO circular threshold requirements shall submit to UMTA an updated EEO submission on a triennial basis or as major changes occur in the work force or employment conditions. At the discretion of the UMTA Office of Civil Rights, less information may be requested where the recipient's previously submitted EEO program has not changed significantly.
6. OTHER INFORMATION. The UMTA Area Civil Rights Officer may request information, in addition to that required by this circular, from an applicant, recipient, or subrecipient to resolve questions concerning EEO compliance. In certain instances, less information will suffice. In cases in which additional information is needed, this request will be made in writing to the applicant, recipient, or subrecipient. Failure to submit information requested by UMTA may delay completion of a compliance review or delay the further consideration of a pending grant application(s).

Failure by an applicant, recipient, or subrecipient to comply with the terms of this circular may result in a finding by UMTA of noncompliance with Section 19 and Section 110(a) of the UMTA Standard Grant Contract and the imposition of appropriate sanctions.

CHAPTER III

EEO PROGRAM COMPONENTS

1. OVERVIEW. This chapter describes the components that must be addressed and incorporated in a recipient's EEO program pursuant to Section 19 of the UMT Act.

While Section 19 prohibits discrimination on the basis of "race, color, creed, national origin, sex, or age," this circular primarily addresses and prescribes specific affirmative programmatic components to assure nondiscrimination by applicants, recipients, and subrecipients on the basis of race, national origin, and sex. This circular also requires recipients and contractors to comply with prohibitions against discrimination on the basis of age established in the Age Discrimination in Employment Act of 1967, as amended, and prohibitions against discrimination on the basis of creed, as set out in EEOC guidelines interpreting Title VI of the Civil Rights Act of 1964 (see Chapter I). This circular also incorporates by reference requirements for compliance with prohibitions against discrimination on the basis of handicap established in DOT regulations implementing the Rehabilitation Act of 1973, as amended, 49 CFR Part 27.

2. PROGRAM REQUIREMENTS. The major components of an EEO program follow:
 - a. Statement of Policy. An EEO program must include a statement issued by the chief executive officer regarding EEO policy affecting all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment. The EEO policy statement must be placed in conspicuous locations so that employees, applicants, and the general public are cognizant of the agency's EEO commitment. The written EEO policy statement must include:
 - (1) The recipient/subrecipient/contractor's commitment to EEO for all persons, regardless of race, color, creed, national origin, sex, or age. At its discretion the agency may include handicap;
 - (2) A commitment to undertake an affirmative action program, including goals and timetables, in order to overcome the effects of past discrimination on minorities and women;
 - (3) That the responsibility for the implementation of the EEO program is assigned to an agency executive (e.g., Manager/Director of EEO);
 - (4) That all management personnel share in this responsibility and will be assigned specific tasks to assure compliance is achieved;

- (5) That applicants and employees have the right to file complaints alleging discrimination with the appropriate official;
 - (6) That performance by managers, supervisors, etc., will be evaluated on the success of the EEO program the same way as their performance on other agency's goals; and
 - (7) That successful achievement of EEO goals will provide benefits to the recipient/subrecipient/contractor through fuller utilization and development of previously underutilized human resources.
- b. Dissemination. Formal communication mechanisms should be established to publicize and disseminate the agency's EEO policy, as well as appropriate elements of the program, to its employees, applicants, and the general public.
- (1) Internally. Managers and supervisors should be fully informed of the agency's policy by actions such as:
 - (a) Written communication from the chief executive officer;
 - (b) Inclusion of the EEO program and policy in the agency's personnel and operations manual; and
 - (c) Meetings held (e.g., at a minimum semiannually) to discuss the EEO program and its implementation.
 - (d) Non-supervisory staff should be informed of the agency's EEO policy and program by actions such as:
 - 1 Posting official EEO posters and the policy statement on bulletin boards, near time clocks, employees' cafeteria and snack bars, and in the employment/personnel office;
 - 2 Including the EEO policy in employee handbooks, reports, manuals, and union contracts;
 - 3 Meeting with minority and female employees to get their suggestions in implementing and refining the EEO program; and
 - 4 Presentation and discussion of the EEO program as part of employee orientation and in all training programs.

- (2) Externally. The agency should disseminate its EEO policy and programs to regular recruitment sources, such as:
 - (a) Employment agencies; hiring halls; unions; educational institutions; minority, handicapped, and women's organizations; civil rights organizations; community action groups; training organizations (e.g., Opportunities Industrialization Centers of America, Inc.); and others who refer applicants.
 - (b) Public media sources, especially radio and television stations, newspapers, magazines, and other journals (especially those oriented to the handicapped and minority populations). All advertisements for personnel should include a statement that the recipient is an "EEO employer."
- c. Designation of Personnel Responsibility. The importance of an EEO program is indicated by the individual the agency has named to manage the program and the authority this individual possesses. An executive should be appointed as Manager/Director of EEO who reports and is directly responsible to the agency's chief executive officer. Since managing the EEO program requires a major commitment of time and resources, the Manager/Director of EEO should be given top management support and assigned a staff commensurate with the importance of this program. The EEO program manager should be identified by name in all internal and external communications regarding the agency's EEO program. This person should be financially compensated at the same level as other top management officials. The most essential requirements for an effective EEO Officer are:
 - (1) Sensitivity to, and an awareness of, the varied ways in which discrimination occurs;
 - (2) Total commitment to EEO program goals and objectives;
 - (3) Knowledge of civil rights precepts, policies, rules, regulations, and guidelines; and
 - (4) Sufficient authority and ability to work and communicate with others (e.g., department heads) to achieve EEO goals and objectives.

The EEO program responsibilities, should, at a minimum, include the following:

- (1) Developing and recommending EEO policy, a written EEO program, and internal and external communication procedures;

- (2) Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables and developing programs to achieve goals;
- (3) Designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is needed;
- (4) Reporting periodically to the chief executive officer on progress of each unit in relation to the agency's goals;
- (5) Serving as liaison between the agency, Federal, State, and local governments, regulatory agencies, minority, handicapped and women's organizations, and other community groups;
- (6) Assuring that current legal information affecting affirmative action is disseminated to responsible officials;
- (7) Assisting in recruiting minority, handicapped and women applicants and establishing outreach sources for use by hiring officials;
- (8) Concurring in all hires and promotions; and
- (9) Processing employment discrimination complaints.

Although the agency's EEO program manager has primary responsibility for implementing the agency's EEO plan, carrying out EEO and affirmative action is an integral function of all officials, managers, and supervisors. Management—from the supervisor of the smallest unit to the chairman of the board or chief executive officer—bears the responsibility of ensuring that the agency's EEO policies and programs, as outlined in its EEO program, are carried out. Managers are expected to carry out the following responsibilities, as part of their job, in implementing the agency's EEO program:

- (1) Assisting in identifying problem areas and establishing agency and unit goals and objectives;
- (2) Being actively involved with local minority organizations, women's and handicapped groups, community action organizations and community service programs designed to promote EEO;
- (3) Participating actively in periodic audits of all aspects of employment in order to identify and to remove barriers obstructing the achievement of specified goals and objectives;

- (4) Holding regular discussions with other managers, supervisors, and employees to assure the agency's policies and procedures are being followed;
 - (5) Reviewing the qualifications of all employees to assure that minorities, handicapped persons, and women are given full opportunities for transfers, promotions, training, salary increases, and other forms of compensation;
 - (6) Participating in the review and/or investigation of complaints alleging discrimination;
 - (7) Conducting and supporting career counseling for all employees; and
 - (8) Participating in periodic audits to ensure that each agency unit is in compliance (e.g., EEO posters are properly displayed on all employee bulletin boards).
- d. Utilization Analysis. The purpose of the utilization analysis is to identify those job categories where there is an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market. It is also to establish the framework for goals and timetables and other affirmative actions to correct employment practices that contributed to any identified absence, underutilization, or concentration.
- (1) A utilization analysis consists of a work force analysis and an availability analysis. The work force analysis requires a statistical breakdown of the recipient's work force by each department, job category (e.g., Officials/Managers, Clericals, Dispatchers, Bus Operators, Mechanics, Bus Cleaners, etc.), grade/rank of employee (e.g., Road Supervisor, I or II; Mechanic, A or B; etc.), and job title. Each of the above should be cross-referenced by race, national origin, and sex. This analysis should be structured in lines of progression by departmental units to insure that promotional opportunities will be considered. A table or chart is recommended for formulating this analysis (see Appendix A). Also, principal duties and rates of pay must be indicated for each job category, grade/rank of employee, and job title for each employee. Where auxiliary duties are assigned, or where more than one rate of pay applies because of length of time in the job or other factors, a special notation should be made. Where the applicant, recipient, or subrecipient operates more than one shift or assigns employees within each shift to varying locations, indicate the number by race, national origin, and sex on each shift and in each location.

- (2) An availability analysis is a comparison of the participation rates of minorities and women at various levels in the work force with their availability in relevant labor markets. A labor market has both geographic and occupational components. Different geographic areas and labor force data should be used for different job categories. As an example, professional positions would likely have a regional or national recruiting area as opposed to a local recruiting area as would be the case for less skilled jobs. Moreover, recruiting areas should reflect nearby concentrations of minority-group persons who may have been historically excluded from consideration.
- (3) Occupational data (in addition to general population and unemployment information), along with training and promotional opportunities, should be considered in determining the availability of persons for those employment opportunities from which minorities and women have traditionally been excluded. In determining availability for job categories not requiring special skills or abilities, general population or work force age data may be suitable. Community and area labor statistics by race, national origin, and sex can be obtained from the U.S. Department of Commerce, Bureau of the Census, and its publications; U.S. Department of Labor, Bureau of Labor Statistics, and the Women's Bureau; State and local governments, especially State employment services and MPOs. Detailed occupational data by race, national origin and sex, in categories required for EEO reports (e.g., Professionals, Officials and Managers, Technicians, Office and Clerical Workers, Craft Workers) is available in special affirmative action data packages from many State employment services. Similar data is available from the Research and Analytical Services Staff of the EEOC.
- (4) Applicants, recipients, subrecipients, or contractors should present this data in a table or chart form for the job categories and job titles being analyzed (see Appendix A). Data used should be the most recent, accurate, and relevant. Also, in assessing availability and projecting goals from such availability, the program should also indicate the data given the greatest weight and reasons underlying the decision.
- (5) In performing the work force and availability analyses, the applicant, recipient, or subrecipient should have racial data cross-classified by sex to ascertain the extent to which minority-group women or minority-group men may be underutilized. Likewise, minority-group data should be broken down by specific racial groups (i.e., Black, Hispanic, Asian and Pacific Islander, and American Indian or Alaskan Native).

- e. Goals and Timetables. Goals and timetables are an excellent management tool to assist in the optimum utilization of human resources. Specific and detailed percentage and numerical goals with timetables must be set to correct any underutilization of specific affected classes of persons identified in the utilization analysis. Usually, long-range goals will be designed to eliminate underutilization in job categories where it has been identified. Based on the utilization analysis, the recipient/subrecipient/contractor should establish goals and timetables designed to correct any identified deficiencies. The goals and timetables should be attainable, in terms of the analysis and the entire program of affirmative action, to remedy existing employment practices that may unjustifiably be contributing to underutilization. In establishing the size of goals and the length of timetables, the recipient/subrecipient/contractor should consider results which can reasonably be expected from putting forth every good faith effort to make the overall affirmative action program work. If goals and timetables are not met, there is an obligation to justify this failure following the recipient's annual evaluation of the EEO program. The justification for failing to meet a goal(s) should address such factors as: whether the anticipated job openings materialized, the availability of persons whose employment could have resulted in the goal(s) being achieved, and the adequacy of recruitment and other affirmative actions to change existing employment practices so that the goal(s) could be achieved.

Long-range goals are usually stated as percentages, although numerical projections are recommended where feasible. Such goals should consider the fact that availability of traditionally underutilized or underemployed groups is not constant. Future projections should be taken into consideration. Generally, an EEO program will be formulated with long-range goals to be attained within a period of 4 to 5 years.

Short-term or intermediate numerical goals should be set and pursued in order to assure accomplishment of long-range goals. Short-term goals represent the net increase in minority and/or women's employment in a particular job category within the next 12 months. Short-term goals should be stated, both as actual numbers and percentages, and should be based on anticipated job openings, job group availability, and the long-range goals set for minorities and/or women in the particular job category. Projections of vacancies should also be established in terms of a job progression chart in order to determine which vacancies can be filled immediately by underutilized persons and the possibilities of these persons being promoted into upper-level positions in terms of long-range goals.

Short-term or intermediate goals should be set so that they are likely to produce the greatest results. As an example, if the recipient/subrecipient/contractor has no members of a specific affected group in a particular job classification, initial short-term goals should be set higher to maximize the expectation of recruitment and selection from the affected group. On the other hand, if the employer has a good representation of traditionally underutilized groups in the lower steps of the job progression, and members of each affected group are moving into higher steps of the job progression with regularity, a lower allocation of openings at the upper level may be adequate.

In developing goals and timetables to correct underutilization, the employer should use the following guidelines for goal-setting:

- (1) Involve personnel staff, department and division heads, local and unit managers in the process;
- (2) Set goals that are significant, measurable, and attainable;
- (3) Make goals with timetables specific for planned results;
- (4) Consider anticipated attrition, expansion, contraction (especially the impact on employment of projected contracting out and privatization/competitiveness activities), turnover in the work force, and availability of persons with required skills;
- (5) Consider effects of changes in existing employment practices that may contribute to underutilization in increasing availability of minorities and women (see paragraph (6) below); and
- (6) Goals should not be rigid and inflexible, but must be targets reasonably attainable by applying every good faith effort to make all aspects of the affirmative action program work.

The monitoring and reporting system, which is discussed later in this section, should be utilized to prescribe and revise short-term goals. The system should allow for revision of long-range goals to reflect availability of traditionally underutilized persons.

Agencies must analyze in detail all employment practices relating to recruitment, selection, salaries, promotions, terminations, standards of discipline, seniority, maternity/paternity leave, height and weight requirements, etc. All problems must be noted and a proposed course of remedial action must be enumerated in the agency's submitted EEO program. Agencies are urged to consult EEOC, Federal Sector Programs Office, Washington, D.C., for further guidance in the development of EEO programs.

- f. Assessment of Employment Practices to Identify Causes of Underutilization: Affirmative Action to Remedy Problem Areas. Recipients/subrecipients/contractors must conduct a detailed assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization. All problem areas must be identified and a proposed program of remedial, affirmative actions enumerated in the agency's submitted EEO program. The assessment and identification of problem areas should evaluate the impact of the agency's employment practices on all of its employment patterns including recruitment, selection, promotion, termination, transfer, layoff, disciplinary action, compensation and benefits, training, etc. This assessment should include the following:
- (1) A narrative description and an analysis of all recruitment and employment selection procedures from the agency's last EEO submission, including position descriptions, application forms, recruitment methods and sources, interview procedures, test administration and a determination of their nondiscriminatory impact and validity, educational prerequisites, referral procedures, and final selection methods;
 - (2) A narrative description and analysis of seniority practices and provisions, upgrading and promotion procedures, transfer procedures, and formal and informal training programs from the agency's last EEO submission;
 - (3) A narrative description and analysis of procedures and practices regarding wages, salary levels, and other forms of compensation and benefits;
 - (4) A narrative description and analysis of disciplinary procedures and discharge and termination practices; and
 - (5) A reasonable assessment to determine if the employment of affected classes of persons is inhibited by external factors (e.g., not knowing where to apply for jobs, the availability of bilingual materials and information, etc.).

The narrative descriptions and analyses should be presented in a detailed fashion. Where written, formal, or scored tests are used in the employment selection process, the agency should identify the test, describe the procedures followed in administering and scoring the test, the weight that is given to test scores, how a cut-off score is established, and whether the test has been validated to predict or measure job performance and if so, an assessment of its nondiscriminatory impact, and a description of the validation study. All other selection procedures must comply with requirements of 29 CFR Part 1607. In general, the guidelines require that a selection procedure that has an adverse impact on the employment of minorities or women must be validated or otherwise justified as necessary for successful job performance, in accordance with procedures specified in the guidelines.

These analyses must contain statistical data to document the impact of the employment practices by race, national origin, and sex. At a minimum, the analyses must contain the following:

- (1) The number of individuals by race, national origin, and sex, applying for employment within the past year. The number, by race, sex, and national origin, of those applicants who were offered employment and those who were actually hired;
 - (2) The number of employees in each job category, by race, national origin, and sex, who have applied for promotion or transfer within the past year. The number in each job category, by race, national origin, and sex, who were promoted or transferred; and
 - (3) The number of disciplinary actions and terminations, by race, national origin, and sex, within the past year. The number and types of disciplinary actions and terminations (e.g., indefinite supervision, loss of pay, demotion, etc.).
- g. Monitoring and Reporting System. An important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system. This system should serve the following basic purposes:
- (1) Assessing EEO accomplishments;
 - (2) Enabling the agency to evaluate the EEO program during the year and to take any necessary corrective action regarding the development and execution of programs or goals and timetables;
 - (3) Identifying those units which have failed to achieve a goal or to implement affirmative action; and
 - (4) Providing a precise and factual data base for future projections.

The reporting system should provide documentation to support actions that affect minority and women job applicants or employees. Management should be kept informed of program effectiveness.

The creation of an EEO advisory committee, reflective of all segments of the community and the agency's work force, can be an effective tool in this regard.

CHAPTER IV

TYPES OF COMPLIANCE REVIEWS

1. GENERAL. This chapter describes the manner in which UMTA will monitor compliance of applicants, recipients, and subrecipients with Section 19. Included in this chapter are descriptions of the type of compliance reviews UMTA will conduct. Also included are criteria and procedures UMTA will use in its review process to determine compliance with the EEO program. Applicants, recipients, and subrecipients may use this chapter to develop local programs to monitor compliance with EEO programs in order to fulfill their obligations under the regulations.
2. COMPLIANCE REVIEWS. UMTA will perform pre- and post-award compliance reviews which will be conducted by designated civil rights staff.
 - a. Application Reviews. Application reviews are conducted in response to applications for assistance authorized under any section of the UMT Act. The purpose of these reviews is to determine EEO compliance with Section 19. Application reviews will consider:
 - (1) The information provided in response to the EEO program components listed in Chapter III;
 - (2) The findings and recommendations of EEO reviews previously conducted by UMTA or the applicant/recipient and the corrective actions undertaken as a result of those reviews; and
 - (3) Other information deemed necessary and appropriate by UMTA as well as information submitted by the recipient in support of the application.
 - b. Post-Approval Reviews. UMTA will conduct post-approval reviews as a part of its ongoing monitoring responsibilities. These reviews will be conducted at least once every 3 years. The review may be either a "desk audit" or "onsite." Although the EEO review process is independent of the Triennial Review process, to the maximum extent possible, these post-approval reviews will be conducted in conjunction with scheduled Triennial Reviews. These reviews will consider:
 - (1) Results of the application review, including information required by the EEO program components specified in Chapter III;
 - (2) The overall efforts made by the recipient to ensure compliance under Section 19, including any compliance reports prepared by the recipient;

- (3) If "onsite," inspection of all materials pertaining to implementation of their EEO program and verification that all employment policies and practices are consistent with Section 19; and
 - (4) Other information that is necessary and appropriate to make a determination that the recipient or subrecipient is in compliance with Section 19.
- c. Discretionary Followup Reviews. Followup reviews will be conducted by UMTA, as appropriate, to assure that EEO programs of recipients/subrecipients are implemented in a manner consistent with Section 19. Two such reviews would include, but not be limited to:
- (1) A review to determine whether a recipient is honoring its commitment represented by the certification to UMTA that it is complying with its responsibilities under Section 19; and
 - (2) A compliance review conducted in response to a specific complaint alleging discrimination. Other factors that may initiate such reviews include, but are not limited to:
 - (a) The level of assistance being provided by UMTA;
 - (b) The availability of minorities and women in the geographical area;
 - (c) The level and representation of minority and female employment within the recipients' work force;
 - (d) Complaints or other allegations of discrimination by minority and female employees and applicants; and
 - (e) The findings of the pre- and post-award compliance reviews.

The above-mentioned reviews will be structured on a case-by-case basis in order to assess compliance by the recipient with these requirements. The UMTA compliance review report shall contain statements of fact and recommendations, including corrective actions deemed necessary and appropriate.

3. COMPLIANCE DETERMINATION. A compliance determination will be based on an analysis of information submitted under Chapter III, as well as a review and an analysis of all data gathered and findings made as a result of a "desk audit" or "onsite" review. In addition, analysis of all other information submitted in response to specific requests by UMTA will be considered.

Failure by an applicant, recipient, or subrecipient to submit information requested by UMTA may delay completion of a compliance review thus, delaying the further consideration of a pending grant application(s).

CHAPTER V

REMEDIAL ACTIONS AND ENFORCEMENT PROCEDURES

1. GENERAL. This chapter describes the procedures and requirements for initiating remedial actions in cases of noncompliance or probable noncompliance with Section 19, and summarizes the enforcement procedures UMTA will follow in those instances when a grant applicant, recipient, or subrecipient refuses or fails to comply voluntarily with remedial measures.
2. REMEDIAL ACTIONS. Remedial actions are required in cases where UMTA has determined that an applicant, recipient, or subrecipient is in noncompliance or probable noncompliance with the requirements in this circular, or where UMTA has found evidence of discrimination prohibited under Section 19.

Remedial actions refer to specific tasks which must be undertaken by a applicant, recipient, or subrecipient. In setting remedial actions, UMTA intends for the applicant, recipient, or subrecipient to agree to a voluntary plan of action to correct deficiencies and ensure continued compliance with Section 19. In cases where UMTA determines that remedial action is necessary and appropriate to ensure compliance with Section 19, the following procedures will be adhered to:

- a. Letter of Finding/Remedial Action Plan. Where UMTA has conducted a compliance review, or other review, audit, or complaint investigation, and has made a finding of noncompliance or probable noncompliance, UMTA will send a Letter of Finding to the grant applicant, recipient, or subrecipient identifying the deficiencies observed. This letter will request the grant applicant, recipient, or subrecipient to submit a Remedial Action Plan for correcting the deficiencies cited in the Letter of Finding, and recommend voluntary corrective actions deemed necessary and appropriate by UMTA.
- b. Applicant/Recipient Response. Within 30 days of the receipt of the UMTA Letter of Finding, the applicant, recipient, or subrecipient must submit a Remedial Action Plan and, if necessary, sufficient reasons and justification for UMTA to reconsider any of its findings or recommendations. The Remedial Action Plan shall:
 - (1) List all corrective actions accepted by the applicant, recipient, or subrecipient;
 - (2) Describe how the corrective actions will be implemented;
 - (3) Include a written assurance that the applicant, recipient, or subrecipient will implement the accepted corrective action(s) and has the capability to implement the accepted corrective action(s) in the manner discussed in the plan; and

(4) All requests for reconsideration shall:

- (a) State which of UMTA's findings or recommendations the applicant, recipient, or subrecipient requests UMTA to reconsider;
- (b) Provide a justification for the request to reconsider, including any evidence or information supporting such a request; and
- (c) Include a written assurance that on the basis of the requested reconsideration, the applicant, recipient, or subrecipient is or otherwise will come into compliance.

- c. Final Remedial Action Plan. Within 30 days after receiving the grantee's response, UMTA shall review the submitted Remedial Action Plan and any request for reconsideration and decide what remedial action(s) are necessary and appropriate to bring the applicant, recipient, or subrecipient into compliance. If necessary, before making a decision, UMTA may conduct a site visit to substantiate information or statements contained in the grantee's response.

UMTA shall issue its decision, including its findings and recommendations, as part of a Final Remedial Action Plan. The Final Remedial Action Plan will be sent to the applicant, recipient, or subrecipient for review and consent. Consent infers that the applicant, recipient, or subrecipient agrees to initiate action(s) specified in the plan.

The applicant, recipient, or subrecipient has 15 days to agree or disagree with the Final Remedial Action Plan.

If an applicant, recipient, or subrecipient agrees, UMTA will amend its EEO finding to probable compliance or full compliance, and a letter stating the amended compliance determination will be sent to the grantee.

If an applicant, recipient, or subrecipient does not agree with the Final Remedial Action Plan, it must submit a written statement of its reasons for not agreeing to the remedial actions contained in the plan. Under such circumstances the applicant, recipient, or subrecipient will be held in noncompliance, and a meeting will be scheduled with the applicant, recipient, or subrecipient within 30 days to resolve the stated disagreements.

3. ENFORCEMENT PROCEDURES. Enforcement action refers to an action taken by UMTA to suspend, terminate, refuse to grant or continue Federal financial assistance to an applicant, recipient, or subrecipient. Enforcement action is appropriate in cases where all means of informal resolution have failed to get the grantee into compliance.

If there appears to be a failure or threatened failure to comply, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the applicant, recipient, or subrecipient may be subjected to suspension, termination, refusal to grant or to continue Federal financial assistance, or any other sanctions authorized by law.

Any applicant, recipient, or subrecipient adversely affected by the content of a final order shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility, or if it brings itself into compliance with this circular and provides reasonable assurance that it will fully comply.

- a. Any applicant, recipient, or subrecipient adversely affected by an order may at any time request the Administrator to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant, recipient, or subrecipient has met the requirements. If the Administrator determines that those requirements have been satisfied, he/she shall restore eligibility.
- b. If the Administrator denies any such request, the applicant, recipient, or subrecipient may submit a request for a hearing in writing, specifying why it believes UMTA to have been in error. The request shall be given an expeditious hearing, with a decision on the record, in accordance with the rules or procedures issued by the Administrator. The applicant, recipient, or subrecipient will be restored to such eligibility if it proves at such a hearing that it has satisfied the requirements.

While post-termination proceedings are pending, the sanctions imposed by the final order shall remain in effect.

CHAPTER VI

DISCRIMINATION COMPLAINTS

1. GENERAL. This chapter provides information on the UMTA procedures for filing complaints alleging discrimination on the basis of race, color, or national origin, sex, age, or handicap. Applicants, recipients, and subrecipients are encouraged to adopt separate procedures for local disposition of EEO complaints under Section 19, which are consistent with these guidelines.

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, creed, national origin, sex, age, or handicap may file a written complaint with UMTA or the Secretary of Transportation. A complaint must be filed within 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary.

UMTA recommends that EEO complaints be initially filed with the applicant, recipient, or subrecipient for resolution. In those cases where the complainant is dissatisfied with the resolution by the applicant, recipient, or subrecipient, or the case is not being resolved in a timely manner, the same complaint may be submitted to UMTA, the Secretary, EEOC, or a State agency for investigation.

Unless otherwise permitted, the final determination of all EEO complaints affecting programs administered by UMTA will be made by the Office of the Secretary, DOT.

2. SUBMISSION OF COMPLAINTS.

- a. Filing Complaints of Discrimination.

- (1) Complainants may submit written complaints to the UMTA Director, Office of Civil Rights, the UMTA Area Civil Rights Officers, and/or the Departmental Director of Civil Rights (see Appendix B).
 - (2) In cases where the complainant is unable or incapable of providing a written statement, but wishes DOT to investigate alleged discrimination, a verbal complaint of discrimination may be made to the UMTA Director, Office of Civil Rights or an UMTA Area Civil Rights Officer. The complainant will be interviewed by an UMTA civil rights official authorized to receive complaints. If necessary, the UMTA civil rights official will assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or his/her representative.

b. Complaint Format.

- (1) All complaints must be in writing and signed by the complainant or his/her representative before action can be taken. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.
- (2) UMTA will provide the complainant or his/her representative with a written acknowledgement that UMTA has received the complaint within 10 working days. Concurrently, UMTA will transmit the complaint to the Departmental Office of Civil Rights which will determine if the complaint has investigative merit.

c. Determination of Jurisdiction and Investigative Merit. The Departmental Office of Civil Rights, based on the information in the complaint and additional information provided by UMTA, will determine if DOT has jurisdiction to pursue this matter and whether the complaint has sufficient merit to warrant an investigation. These determinations will be made within 15 working days after the receipt of the complaint from UMTA. A complaint shall be regarded as meriting investigation unless:

- (1) It clearly appears on its face to be frivolous or trivial;
- (2) Within the time allotted for making the determination of jurisdiction and investigative merit, the party complained against voluntarily concedes noncompliance and agrees to take appropriate remedial action;
- (3) Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or
- (4) Other good cause for not investigating the complaint exists (e.g., respondent is presently under investigation by another Federal agency).

3. REQUEST FOR ADDITIONAL INFORMATION FROM COMPLAINANT AND/OR RESPONDENT.

In the event that the complainant or respondent has not submitted sufficient information to make a determination of jurisdiction or investigative merit, the Departmental Office of Civil Rights may request additional information from either party. This request shall be made within 15 working days of the receipt of the complaint by the Departmental Office of Civil Rights and will require that the party submit the information within 60 working days from the date of the original request. Failure of the complainant to submit additional information within the designated timeframe may be considered good cause for a determination of no investigative merit. Failure of respondent to submit additional information within the designated timeframe may be considered good cause for a determination of noncompliance and subject to possible enforcement action as addressed in Chapter V of this circular.

4. NOTIFICATION OF DISPOSITION. The Departmental Director of Civil Rights shall notify within 5 days by registered letter the complainant, party charged, and primary recipient (if not the respondent) of the disposition:
 - a. In the event of a decision not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. In the event the complaint is to be investigated, the notification shall state the grounds of DOT jurisdiction, inform the parties that an investigation will take place, and request any additional information needed to assist the investigator in preparing for the investigation.
5. REFERRAL TO OTHER AGENCIES. When DOT lacks jurisdiction, the Departmental Director of Civil Rights shall refer the complaint to other State or Federal agencies, informing the parties of the action.
6. COMPLAINT INVESTIGATION.
 - a. Departmental Investigation. The Departmental Office of Civil Rights may elect to conduct its own investigation of the complaint. The investigation may be conducted by "desk audit" or an "onsite" investigation. When DOT lacks jurisdiction, the Departmental Office of Civil Rights will refer the complaint to the responsible State or Federal agency, informing the complainant of this action.
 - b. Referral of Complaint to UMTA. Cases determined by the Departmental Office of Civil Rights to have investigative merit may be sent back to UMTA to conduct an "onsite" investigation or may be recommended for a comprehensive EEO review of the recipient.
 - c. Priority Complaints. All incoming complaints shall be examined to determine if the discrimination alleged would be irremediable if not dealt with promptly. If such a determination is made, the complaint shall be given priority status. The processing, investigation, and determination of such complaints shall be accelerated to advance significantly the normal completion date of the process.
 - d. Investigator's Preparation. Before beginning the investigation, the investigator shall send a letter of introduction, establishing the times and dates for the "onsite" investigation and interviews. This preparation shall be completed within 30 working days after the assignment has been given to the investigator, contingent upon the investigator's workload and resources.

- e. Investigative Report. A written report will be prepared by the responsible investigator at the conclusion of the investigation. This report will be reviewed by the Departmental Office of Civil Rights for thoroughness. The investigative report will include the following:
 - (1) Summary of the complaint, including a statement of the issues raised by the complainant and the recipients reply to each of the allegations;
 - (2) Citations of relevant Federal, State, and local laws, rules, regulations, and guidelines, etc;
 - (3) Description of the investigation, including a list of the persons contacted by the investigator and a summary of the interviews conducted; and
 - (4) A statement of the investigator's findings and recommendations.

7. DISPOSITION OF COMPLAINTS.

- a. Approval and Notice of Disposition. The Departmental Office of Civil Rights will approve or disapprove the findings and recommendations made by the investigator in the investigative report. The consequent disposition of the complaint will be communicated to the complainant and recipient by letter. In addition, a rationale supporting the disposition made and any recommendations to any party will be included in the letter.
- b. Informal Resolution. If the Notice of Disposition is issued and finds the recipient in noncompliance, the recipient is required to initiate voluntary remedial actions agreeable to the Departmental Office of Civil Rights (see Chapter V, paragraph 2, Remedial Actions).
- c. Enforcement Procedure. In cases in which all required means of remedial action have failed to bring the recipient into compliance, enforcement procedures will be initiated by the Departmental Office of Civil Rights in conjunction with UMTA (see Chapter V, paragraph 3, Enforcement Procedures).
- d. Request for Reconsideration. The recipient may request reconsideration of the Department's findings within 30 days of the Notice of Disposition. This request should include any additional information or analysis the recipient considers relevant. The Departmental Office of Civil Rights will inform the recipient of its decision to accept or reject the request within 30 days after its receipt.

In cases in which a request for reconsideration is approved, the responsible investigator will reopen the investigation and proceed to process the complaint in the same manner described above.

SEE ATTACHED LIST FOR A FURTHER BREAKDOWN OF JMW TITLE.

APPENDIX B

DIRECTORY

**DEPARTMENT OF TRANSPORTATION
AND
URBAN MASS TRANSPORTATION ADMINISTRATION OFFICES**

HEADQUARTERS

Departmental Director of Civil Rights
Office of the Secretary
Department of Transportation
400 Seventh Street, SW., Room 10215
Washington, D.C. 20590

Director, Office of Civil Rights
Urban Mass Transportation Administration
400 Seventh Street, SW., Room 7412
Washington, D.C. 20590

AREA CIVIL RIGHTS OFFICES

**EASTERN AREA
(Regions 1 and 2)**

Urban Mass Transportation Administration
Transportation Systems Center, Suite 920
Kendall Square, 55 Broadway
Cambridge, Massachusetts 02142

Urban Mass Transportation Administration
26 Federal Plaza, Suite 14-110
New York, New York 10278

**SOUTHEASTERN AREA
(Regions 3 and 4)**

Urban Mass Transportation Administration
400 Seventh Street, SW., Room 7412
Washington, D.C. 20590

**CENTRAL/MID-WESTERN AREA
(Regions 5, 6, and 7)**

Urban Mass Transportation Administration
300 South Wacker Drive, Suite 1703
Chicago, Illinois 60606

Urban Mass Transportation Administration
6301 Rockhill Road, Suite 100
Kansas City, Missouri 64131

**WESTERN AREA
(Regions 8, 9, and 10)**

Urban Mass Transportation Administration
Federal Office Building
1961 Stout Street, Room 520
Denver, Colorado 80294

Urban Mass Transportation Administration
3142 Federal Building
915 Second Avenue
Seattle, Washington 98174

