

Title VI Program



Draft – Pending Board Review

Table of Contents

NOTICE TO THE PUBLIC.....	1
COMPLAINT INSTRUCTIONS AND FORM	2
TITLE VI COMPLAINTS, INVESTIGATIONS AND LAWSUITS	2
PUBLIC PARTICIPATION element	3
LIMITED ENGLISH PROFICIENCY (LEP) element	4
PLANNING AND ADVISORY BOARDS.....	7
SUBGRANTEES.....	8
FACILITY LOCATION EQUITY ANALYSIS	8
FIXED-ROUTE SYSTEMWIDE SERVICE STANDARDS.....	8
FIXED-ROUTE SYSTEMWIDE POLICIES.....	10
ATTACHMENTS	12

TITLE VI PROGRAM QUESTIONNAIRE

The Federal Transit Administration (FTA) requires all recipients and subrecipients of FTA financial assistance to develop a Title VI program. The requirement applies to both Section 5310 and 5311 subrecipients.

To help subrecipients develop a Title VI program, NMDOT has developed this questionnaire, which will, once reviewed and accepted by NMDOT, become the agency's Title VI program. Once accepted by NMDOT, submit the completed questionnaire to the agency's Board or council for approval and then provide evidence of the approval to NMDOT.

NOTICE TO THE PUBLIC

FTA requires that each recipient and subrecipient notify the public of its rights under Title VI and the Americans with Disabilities Act (ADA) and include the notice and where it is posted in the Title VI program. The notice must include the following:

- *A statement that the agency operates programs without regard to race, color, national origin, and disability*
- *A description of the procedures that members of the public should follow in order to request additional information on the agency's nondiscrimination obligations*
- *A description of the procedures that members of the public should follow in order to file a discrimination complaint*
- *A statement that the agency's Title VI obligations and complaint procedures will be translated into other languages as needed*

The notice can be a separate document, such as a posted sign, a statement that is in another document, or a stand-alone document, such as a nondiscrimination brochure. At a minimum, the subrecipient must post the notice on its website and in the reception area and public meeting spaces of its offices. FTA recommends that each agency place the notice in other locations frequented by riders, such as on buses, on schedules or other printed materials, and at stations.

Attachment A presents two notices developed by NMDOT, a longer "stand-alone" statement and a shorter statement that can be included in another document, such as a bus schedule or as a placard in the bus. Use these notices or develop your own. Your own notice must include the four items discussed above. NMDOT recommends placing the longer notice on the agency's website and in the required office areas in an inexpensive frame.

1. Is subrecipient using either of NMDOT's notice(s)? If yes, which one(s)? If no, please provide a copy of your Title VI notice(s).

Yes

2. Where are the notices posted?

SCRTD Website

3. At a minimum, has subrecipient posted a Title VI notice on its website, in the reception area of the office, and in the public meeting spaces of the office? SCRTD website and reception area of the District Website, 830 Anthony Drive, Anthony, NM 88021

COMPLAINT INSTRUCTIONS AND FORM

FTA requires each recipient and subrecipient to have instructions for the public to follow and a form for the public to use for filing a Title VI/ADA complaint. Attachment B presents a form and instructions for filing a Title VI/ADA complaint developed by NMDOT. Use the NMDOT form and instructions or use your own if it provides for due process.

4. Has subrecipient adopted the NMDOT-developed form and instructions for filing a Title VI complaint? If no, please attach a copy of the form and instructions that are used.

Yes.

TITLE VI COMPLAINTS, INVESTIGATIONS AND LAWSUITS

FTA requires that recipients and subrecipients maintain a list of any complaints, active investigations conducted by entities other than FTA, and lawsuits relating to allegations of discrimination on the basis of race, color, or national origin. Attachment C presents a sample log that can be used for tracking these items. Also, the Title VI program must include a list of transit-related Title VI complaints, investigations, and lawsuits. NMDOT obtains this information with grant applications. Please note that Equal Employment Opportunity (EEO) and ADA complaints are not Title VI complaints so do not list them. If the agency is a part of a city, county, or human service agency, only list Title VI complaints, investigations, or lawsuits related to transit service.

5. Since submitting the last grant application to NMDOT, has subrecipient had any Title VI complaints, investigations, or lawsuits related to your transit program? If yes, please complete the following table. No.

Type	Date	Summary	Status	Action(s) Taken
Complaints	3-2-2020	No Complaints		N/A
Investigations	3-2-2020	None		
Lawsuits	3-2-2020	None		

PUBLIC PARTICIPATION ELEMENT

FTA requires that the Title VI program include a public participation plan that includes an outreach plan to engage minority and limited English proficient (LEP) populations. The plan may include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others. Applicants to NMDOT for FTA assistance are required to comply with several requirements that help meet this Title VI requirement. These requirements include the published notice of intent to apply to NMDOT for FTA assistance and participation in the public transit-human services transportation coordinated plan development. Other public participation methods include open Board/council meetings, council meetings of cities and counties that provide local funding, transit/client advisory committees, public involvement efforts for transit development plans (TDPs), passenger surveys, marketing efforts, such as booths at fairs, and presentations to service and other organizations.

6. Are Board/council meetings open to the public? Yes

7. How does subrecipient publicize the dates, times, and locations of Board/council meetings?

Each meeting agenda is placed on the District website up to a week in advance of the meeting and publicized on facebook, twitter and via a distribution list of people who have requested being notified of these meetings. Also, district advertises in newspapers when funds are available.

8. Where are Board/council meetings held?

Meetings are scheduled the fourth Monday of the month and held at the Dona Ana County Government Center, Commission Chambers.

9. Is the location accessible to persons with disabilities?

Yes.

10. Is transit service available to the location and during the hours of the Board/council meetings? If yes, please describe. If not, does subrecipient offer transportation to the meetings upon request?

Yes. Route 5 operates with frequency every thirty minutes during the Board meeting times.

11. What other efforts has the agency made to ensure that transit riders or clients can attend Board/council meetings?

None.

12. Does subrecipient rely on any counties or cities for funding? If yes, please describe how interested parties can comment on your budget and services at city and town council meetings.

Yes. The Board has representation from several cities and one county. The District distributes its budget to these entities and makes presentations to these organizations.

13. Discuss procedures for notifying the public of fare and service changes.

The District has not made any fare changes since its inception in 2016. Services changes and comments are done via the Board meetings on a seasonal basis.

14. Discuss any other outreach efforts, including transit advisory committees, procedures for soliciting comments for fare increases and service changes, passenger surveys, public involvement for transit development plans, presentations, etc. Discuss procedures for notifying the public of fare and service changes.

The District maintains a Citizens Advisory Committee that reviews and provides input into service changes and fare modifications. Procedures for services changes and public involvement includes public comment at District Meetings, Special Meetings and Workshops. At these meetings the public is encouraged to provide comments.

LIMITED ENGLISH PROFICIENCY (LEP) ELEMENT

FTA requires that the Title VI program include a plan for providing language assistance to LEP persons. An LEP person is someone who speaks English less than very well. To document what languages are spoken by LEP persons and to help determine what language assistance efforts the grantee should undertake, FTA requires that the grantee analyze the following four factors:

- *the number and proportion of LEP persons served or encountered in your service area*
- *the frequency with which LEP individuals come into contact with your transit service*
- *the nature and importance of your transit service*
- *the language assistance resources potentially available to assist LEP persons*

By completing this questionnaire, subrecipient will have completed the required four-factor analysis.

The primary source data on LEP populations is the U.S. Census. We have provided a table for each subrecipient to fill with Census data. To look up the 2010 Census data:

- *Go to [US Census Fact Finder](#)*
- *Search each county or city in the service area*

- Select American Community Survey “Education, Marital Status, Relationships, Fertility...”
- Scroll down to “language spoken at home”

Please add columns, if needed.

Table 1					
2010 Census Numbers for LEP Persons Residing within the Service Area					
Population 5 Years and Over by Language Spoken at Home and Ability to Speak English	City/County 1	City/County 2	City/County 3	Total	Percentage of Population 5 Years and Older
Population 5 Years and Over					
Speak English less than “very well”					
Spanish					
Speak English less than “very well”					
Other Indo-European					
Speak English less than “very well”					
Asian and Pacific Island					
Speak English less than “very well”					
All Other					
Speak English less than “very well”					

Survey staff members, including bus drivers, reservationists/dispatchers, customer service agents, and office personnel, to determine the frequency of contact with LEP persons, what languages are spoken by these persons, and the languages they speak and/or understand. Attachment D presents a sample survey form. After conducting the survey, please complete the following table. (5310 providers not conducting the survey should not complete the table and answer question 14.)

Table 2	
Frequency of Contact with LEP Persons	
Frequency	Languages Spoken by LEP Persons
Daily	Spanish, English
Weekly	Spanish, English
Monthly	Spanish, English
Less frequently than monthly	Spanish, English

15. If subrecipient has not completed Table 2, discuss the frequency of contact with LEP persons and the languages spoken by these persons. (5310 only)

Not Applicable to SCRTD.

16. Provide a description of your service (type, days and hours) and list the major activity centers served (communities, employers, Rail Runner Express stations, park and ride lots, government and human service agencies, medical facilities, shopping centers, and recreational facilities). This information can be found in your most recent grant application.

The Transit District operates bus service Monday through Friday from 6:30 a.m. to 6:00 p.m. Major activity centers include downtown Las Cruces via the MVITT Center, NMSU, Mesilla Valley Mall, Mountain View and Memorial Medical Center Hospitals, City of Anthony and Sunland Park, the NW Transit Center at Remcon, Northeast Transit Center and the Dona Ana County Community Colleges.

17. Discuss trip purpose from passenger surveys or transit development plans, if conducted.

A limited number of passenger surveys have been conducted. A new more statistically viable passenger survey is planned in September 2020.

18. Does staff speak languages other than English? If so, what languages? Does subrecipient utilize staff to translate?

Most staff are bilingual, speaking both English and Spanish. Not necessary.

19. Has subrecipient translated documents into Spanish or another language? If yes, please list the documents and the languages they are translated into.

Most documents are in Spanish and English. This includes, SCRTD website, bus schedules, rider alerts, and press releases.

20. Does the agency use Google Translate for your web site? If yes, what languages?

Google maps is used in the website and a link is present for Google Translate.

21. What other language assistance efforts is subrecipient undertaking?

None.

22. Has subrecipient made arrangements with other organizations to provide language assistance efforts? If yes, what organizations and what services?

No, not necessary. District staff are able to provide language assistance on the bus, by phone via customer service and in the office.

23. How are LEP persons notified of language assistance services?

They are informed via District documents and services.

24. Discuss outreach programs, such as travel training, school presentations, and community presentations and if these efforts potentially reach LEP persons.

The District has been conducting outreach services and programs in the community, including communities where seniors, people with disabilities and community members that may have limited communication skills and need translation of services.

25. Describe how language assistance efforts are monitored, evaluated, and updated.

Senior staff work with new employees to provide training and assistance.

26. Describe how employees are trained in language assistance efforts.

Staff provide documents, conduct travel training with new employees and provide exposure to the position as needed.

27. Please provide an estimate of what language assistance efforts cost the agency annually.

This is difficult to project. However, given the fact that the vast majority of employees are bilingual, cost is limited to providing training assistance. Our best estimate is under \$20,000.

PLANNING AND ADVISORY BOARDS

FTA requires that the Title VI program present the racial make-up of all transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the subrecipient, and a description of the efforts to encourage the participation of minorities on such committees.

28. List all transit-related advisory boards and committees and the purpose of each.

The Transit District Board is composed of eight members that are elected officials representing each of the Transit District members. The District Board serves as the advisory board for the region.

29. How are members selected?

Members are selected by their member organization usually following an election or when the members term expires.

30. What is the racial makeup of each board and committee?

Currently, the Board is composed of eight White members with five of the eight Hispanic.

31. What efforts are undertaken to encourage participation of minorities on these committees?

There are no committees, only the Board meets monthly. Public engagement is encouraged via Website, Agenda Distribution, through Social media such as Twitter and Facebook.

SUBGRANTEES

FTA requires the Title VI program to include procedures for monitoring subrecipients for compliance with Title VI.

32. Does subrecipient provide any FTA funds to any other transit-related agency? If yes, this is a subrecipient. Please list them. How are subrecipients monitored for compliance with Title VI?

No. The District does not provide any FTA funds to other agencies.

FACILITY LOCATION EQUITY ANALYSIS

FTA requires the Title VI program to include procedures for ensuring an equity analysis of facility locations is conducted during the planning for a construction of a new facility. The Transit and Rail Division ensures compliance with this requirement when providing FTA funding for a new facility.

FIXED-ROUTE SYSTEMWIDE SERVICE STANDARDS

The following questions only apply to operators of fixed-route service. Subrecipients that only provide demand-response service can stop here. Please note that all 5310-provided service and route deviation service are considered demand-response service for the purposes of Title VI.

FTA requires operators of fixed-route service to set systemwide service standards for each fixed-route mode of service provided and include the standards in the Title VI program. The service standards must address vehicle loads, headways, on-time performance, and service availability.

33. What types of fixed-route bus service does subrecipient provide (local, express, commuter, intercity)? The District provides local bus service.

Vehicle Load (Capacity) Standards

34. Has subrecipient adopted vehicle capacity standards? If yes, what are they?

No, this is not necessary. As a rural agency we do not achieve maximum capacity on our buses.

35. Does subrecipient allow standees on buses for each type of service provided? If no, please explain.

Yes. Buses have handrails and there are rare times when it is necessary on a limited trip basis to do so.

36. Does subrecipient allow standees on buses for always of the day (peak and off-peak)?

Yes.

37. Has subrecipient adopted the manufacturers' capacity standards for seated and standing passengers?

Yes.

38. Does subrecipient regularly have standees on buses? If yes, does subrecipient have plans to increase the amount of service to reduce the number of standees?

No.

Vehicle Headway Standards

39. Has subrecipient adopted vehicle headway standards? If yes, what are they?

No.

40. What are the headways for each type of fixed-route service?

Three bus routes operated on two hour headways. One Bus route operates on hourly headways.

41. Are the headways the same for peak and off-peak hours? If no, discuss the differences.

Yes.

42. What are the headways for evening service?

The same as during the day.

43. What are the headways for Saturday and Sunday service?

No weekend service at present.

44. How has subrecipient set the headways?

Based on funding and service coverage.

On-time Performance Standards

45. What is the on-time performance standard(s)?

At or above 95 percent.

46. Has subrecipient set a systemwide goal for on-time performance? If yes, what is the goal?

Yes, above 95 percent.

47. Does subrecipient have problems with on-time performance?

No.

Service Availability Standards

48. What criteria are used to decide where to locate local fixed-route service?

The five year planning process identified transit need and bus routes where developed with this in mind. The ten year plan will evaluate and set standard for service performance going forward.

49. Does subrecipient provide general public demand responsive service in areas service by fixed routes? If no, how far from the fixed-routes does subrecipient provide general public demand-response service?

No demand response service provided.

50. Discuss spacing of bus stops, if used.

Most bus routes are rural and operate 30 to 45 miles on each trip. The current average is 14 bus stops in one direction. Consequently, bus stops are spaced close when in towns and further apart between towns.

51. Discuss subrecipient policy regarding activity centers served (employers, shopping centers, hospitals, clinics, senior housing centers, Rail Runner Express stations, city halls, etc.)

There is no policy present. The ten year planning process may address this requirement.

FIXED-ROUTE SYSTEMWIDE POLICIES

FTA requires operators of fixed-route service to set systemwide policies for each fixed-route mode of service provided and include the policies in the Title VI program. The policies must address distribution of service amenities, such as passenger shelters, and the assignment of buses to garages and routes.

52. Describe the passenger amenities, such as passenger shelters, benches, and waste receptacles and where are they located?

The District has no passenger amenities present.

53. How does subrecipient determine where to place each type of passenger amenity?

Not Applicable.

54. How does subrecipient distribute route and schedule information?

Digitally. Thorough Google maps route and schedule information is available via phone and computer. Printed copies are still available at libraries, government offices and community centers.

55. What kind of route and schedule information, if any, is provided at bus stops?

None. Again, most riders now access their information via phone, and they may do so via Google maps.

56. Discuss implementation or plans for electronic/passenger information for bus departures and arrivals, if any.

None planned.

57. Discuss the number of bus garages/storage locations, how buses are allocated to the different locations? If only one location, respond "N/A."

N/A

58. How are buses assigned to routes?

Based on mileage of the bus. Some routes are longer, and the fleet manager is working to average out the age of the fleet.

Attachment A
Nondiscrimination Notice

Long Nondiscrimination Notice

Nondiscrimination

South Central Regional Transit District (SCRTD) operates its programs and services without regard to race, color, national origin, and disability, in accordance with Title VI of the Civil Rights Act and the Americans with Disabilities Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with SCRTD. For more information on SCRTD civil rights program and the procedures to file a complaint, please visit our website at SCRTD.ORG or call, email, or visit our offices at 575-322-9881, admin@scrttd.org, 830 Anthony Drive, Las Cruces, NM 88021.

You may also file a complaint with the New Mexico Department of Transportation. For more information on the New Mexico Department of Transportation's civil rights program, and the procedures to file a complaint, please call 1-800-554-0936 or (505) 470-6739; email ADA.TitleVICoordinator@state.nm.dot; or visit our administrative offices at 1590 Pacheco St., Suite A-10, Santa Fe, NM 87505. For more information, visit www.dot.state.nm.us.

A complainant may file a complaint directly with the Federal Transit Administration (FTA), Office of Civil Rights, Attention: Title VI/ADA Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590. Phone: (202) 366-4043.

If information is needed in another language, please contact us at 575-323-1620.

Short Nondiscrimination Notice

SCRTD operates its programs and services without regard to race, color, national origin, and disability in accordance with Title VI of the 1964 Civil Rights Act and the Americans with Disabilities Act of 1990. To find out more about our nondiscrimination obligations, to file a complaint, or to request this information in another language, please contact us at ADMIN@SCRTD.ORG or 575-323-1620.

Attachment B
Title VI/ADA Complaint Procedures

Title VI/ADA Complaint Procedures

SCR TD is committed to a policy of nondiscrimination in the provision of public transportation service. If you believe that you have been subjected to discrimination due to your race, color, national origin, or disability, or have a complaint about the accessibility of our service, you can file a complaint. Please provide all facts and circumstances surrounding your issue or complaint so we can fully investigate the incident.

How do you file a complaint?

You can call SCR TD at 575-323-1620 or use the accompanying form.

You may file a signed, dated and written complaint no more than 180 days from the date of the alleged incident. The complaint should include:

- Your name, address and telephone number. (See question 1 of the complaint form.)
- How, why, and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information. (See questions 6, 7, 8, 9, 10, and 11 of the complaint form)
- The names of any persons, if known, whom the director could contact for clarity of your allegations. (See question 11 of the complaint form.)

Please mail, email or return your completed form to:

SCR TD
P.O. BOX 2104, Las Cruces, NM 88004
ADMIN@SCR TD.ORG

Do you need complaint assistance?

If you are unable to complete a written complaint due to a disability or if information is needed in another language, we can assist you. Please contact us at [phone].

How will your complaint be handled?

SCR TD investigates complaints received no more than 180 days after the alleged incident. SCR TD will process complaints that are complete. Once a completed complaint is received, SCR TD will review it to determine if it has jurisdiction. The complainant will receive a letter acknowledging receipt of the complaint and whether SCR TD has jurisdiction to investigate the complaint.

SCR TD will generally complete an investigation within 90 days from receipt of a complaint. If more information is needed to resolve the case, SCR TD may contact you. Unless a longer period is specified by SCR TD, you will have ten (10) days from the date of the request to send the requested information. If the requested information is not received, SCR TD may administratively close the case. A case may also be administratively closed if you no longer wish to pursue it.

Attachment B
Title VI/ADA Complaint Procedures

After the investigation is complete, SCRTD will send you a letter summarizing the results of the investigation, stating the findings, and advising of any corrective action to be taken as a result of the investigation. If you disagree with SCRTD's] determination, you may request reconsideration by submitting a request in writing to SCRTD within seven (7) days after the date of the letter, stating with specificity the basis for the reconsideration. SCRTD will notify you of the decision either to accept or reject the request for reconsideration within ten (10) days. In cases where reconsideration is granted, SCRTD will issue a determination letter to the complainant upon completion of the reconsideration review.

Do I have other options for filing a complaint?

We encourage that you file the complaint with us. However, you may file a complaint with the New Mexico Department of Transportation or the Federal Transit Administration:

New Mexico Department of Transportation
1590 Pacheco Street
Suite A-10
Santa Fe, NM 87505
1-800-554-0936
1-505-470-9668
www.dot.nm.us

Federal Transit Administration
Office of Civil Rights
1200 New Jersey Avenue SE
Washington, DC 20590
1-202-366-4043
www.transit.dot.us

How do I obtain more information?

If you need more information on SCRTD'S nondiscrimination obligations or complaint procedure, please contact us at 575-323-1620 or ADMIN@SCRTD.ORG.

Attachment B
Title VI/ADA Complaint Form and Instructions

8. Where did the alleged discrimination take place?

9. Explain as clearly as possible what happened and why you believe that you were discriminated against. Describe all of the persons that were involved. Include the name and contact information of the person(s) who discriminated against you (if known). *Use the back of this form or separate pages if additional space is required.*

10. Please list any and all witnesses' names and phone numbers/contact information.
Use the back of this form or separate pages if additional space is required.

11. What type of corrective action would you like to see taken?

12. Have you filed a complaint with any other federal, state, or local agency, or with any federal or state court? Yes If yes, check all that apply. No

- Federal agency (list agency's name)
- Federal court (provide location)
- State court
- State agency (specify agency)
- County court (specify court and county)
- Local agency (specify agency)

Attachment C
Title VI Investigations, Lawsuits, and Complaints

	Date (Month, Day, Year)	Summary (Include basis of complaint: race, color, or national origin)	Status	Actions(s) Taken
Investigations				
1.				
2.				
3.				
4.				
Lawsuits				
1.				
2.				
3.				
4.				
Complaints				
1.				
2.				
3.				
4.				

**Attachment D
Staff Survey Form**

STAFF LEP SURVEY

[Agency] is studying the language assistance needs of its riders so that we can better communicate with them and increase ridership. Please complete the following survey and return it to [Name of Program Manager by date].

How often do you come into contact with passengers who do not speak English or have trouble understanding you when you speak English to them? (Circle one)

Daily Weekly Monthly Less frequently than monthly

What languages do these passengers speak? Please list.

What languages other than English do you understand or speak?

Would you be willing to serve as a translator when needed?