



Santa Cruz County Regional
Transportation Commission
2021 Title VI Civil Rights Program
& Language Assistance Plan

Approved December 2, 2021

Table of Contents

| | |
|--|----|
| RTC Title VI Civil Rights Program..... | 1 |
| Appendix 1: Title VI Notice to Beneficiaries | 4 |
| Appendix 2: Title VI Complaint Procedures | 5 |
| Appendix 3: Title VI Complaint Form | 6 |
| Appendix 4: List of Title VI Investigations, Complaints, and Lawsuits | 8 |
| Appendix 5: Public Participation Plan | 9 |
| Appendix 6: Table Depicting Minority Representation on Committees and Councils | 12 |
| Appendix 7: Employee Education Form..... | 14 |
| Appendix 8: Acknowledgement of Receipt of Title VI Plan | 15 |
| Appendix 9: Letter Acknowledging Receipt of Title VI Complaint | 16 |
| Appendix 10: Letter of Finding (Notifying Complainant that Complaint is Substantiated) | 17 |
| Appendix 11: Closure Letter (Notifying Complainant that the Complaint is Not Substantiated)..... | 18 |
| RTC Language Assistance Plan | 19 |

RTC Title VI Civil Rights Program

Plan Statement:

The following Title VI Civil Rights Program was developed to guide the Santa Cruz County Regional Transportation Commission (RTC) in its administration and management of Title VI-related activities, and details how RTC meets the requirements as set forth in FTA Circular 4702.1B.

Section 601 under Title VI of the Civil Rights Act of 1964 states the following:

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Policy:

RTC is committed to ensuring that no person on the basis of race, color, or national origin will be excluded from participation or subjected to discrimination with regard to the transportation planning and programming activities conducted by RTC’s employees, affiliates, and contractors.

Governing Board:

The governing board for RTC is made up of twelve members. The five members of the Santa Cruz County Board of Supervisors, one representative appointed by each of the four incorporated cities, and three appointed by the Santa Cruz Metropolitan Transit District. In addition, there is one ex-officio member representing Caltrans District 5.

General Reporting Requirements:

Chapter III of FTA Circular 4702.1B addresses the general reporting requirements for recipients and sub-recipients of Federal Transit Administration (FTA) funding to ensure that their activities comply with Department of Transportation (DOT) Title VI regulations. Below are summaries of each requirement and how RTC’s Title VI Program fulfills that requirement.

1. REQUIREMENT TO PROVIDE TITLE VI ASSURANCES

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT’s Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA.

RTC annually submits its Certifications and Assurances to the California Department of Transportation on the Caltrans required form for the specific fiscal year. Category 01 of the Caltrans certifications and assurances form includes nondiscrimination assurance in accordance with Title VI of the Civil Rights Act.

2. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM

Sub-recipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts.

RTC developed its Title VI Civil Rights Program, and was approved by resolution on June 25, 2015 and submitted to the California Department of Transportation. The RTC has prepared this revision to its Title VI Civil Rights Program and will be effective on the date of the new resolution,.

3. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI

The Title VI Program shall include recipient's Title VI notice to the public that indicates the recipient complies with Title VI, informs members of the public of the protections against discrimination afforded to them by Title VI, and includes a list of locations where the notice is posted.

Appendix 1 of this RTC Title VI Program is the public Title VI Notice to Beneficiaries consistent with the guidelines of Circular FTA C 4702.1B, Appendix B.

4. REQUIREMENT TO HAVE TITLE VI COMPLAINT PROCEDURES AND A COMPLAINT FORM

All recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website.

Appendix 2 of this RTC Title VI Program is the RTC's Title VI Complaint Procedures, and Appendix 3 is a copy of RTC's Title VI Complaint form.

The complaint procedures and form will be available in English and Spanish on RTC's website, www.sccrtc.org. Individuals who do not have access to the internet may request that the RTC mail them a paper copy of the complaint procedures and form.

5. REQUIREMENT TO RECORD AND REPORT TRANSPORTATION-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint.

RTC will maintain a list of all investigations, lawsuits and complaints naming RTC consistent with the guidelines of Circular FTA C 4702.1B, Appendix E. A copy of this list is provided in Appendix 4 of this RTC Title VI Program. In addition, RTC will maintain permanent records of all related documents. RTC has not received any Title VI complaints of discrimination and therefore does not have any investigations or lawsuits to report.

6. REQUIREMENT TO PROMOTE INCLUSIVE PUBLIC PARTICIPATION

The content and considerations of Title VI, the Executive Order on Limited English Proficiency (LEP), and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities).

The RTC is a member of the Association of Monterey Bay Area Governments (AMBAG). AMBAG is the metropolitan planning organization covering Santa Cruz County. The RTC participates in the development and implementation of the public participation plan for the AMBAG region. The RTC's public participation plan activities included in the AMBAG public participation plan are shown in Appendix 5 of this RTC Title VI Program. RTC ensures that minority and LEP populations, as with all members of the public, will be empowered to participate in decisions involved with RTC's transportation planning and programming activities.

7. REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS

Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP).

Please see RTC Language Assistance Plan attached to this Title VI Program. RTC's Four Factor Analysis and Action Plan are contained therein.

8. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program." Recipients that have transportation-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

Appendix 6 shows RTC's Table Depicting Minority Representation on Committees and Councils Selected by RTC.

9. REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION UPON REQUEST

FTA may request, at its discretion, information other than that required by this Circular from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulations.

RTC will fully cooperate with any FTA investigation of discrimination complaints as required by Title VI regulations.

Appendix 1: Title VI Notice to Beneficiaries

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

For more information on RTC's Civil Rights Program and the procedures to file a complaint, contact (831)460-3200; go online at www.sccrtc.org; or visit our administrative office at 1101 Pacific Avenue, Suite 250, Santa Cruz, CA 95060.

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

This notice is posted in the RTC office, 1101 Pacific Avenue, Suite 250, Santa Cruz, CA and on the RTC website: www.sccrtc.org. In addition, a summarized version of this notice will be included in agendas for meetings of the RTC as follows:

The RTC operates its programs and services without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act. Any person believing to have been aggrieved by the RTC under Title VI may file a complaint with RTC by contacting the RTC at (831) 460-3212 or 1101 Pacific Avenue, Suite 250, Santa Cruz, CA 95112 or online at www.sccrtc.org. A complaint may also be filed directly with the Federal Transit Administration to the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Appendix 2: Title VI Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the Santa Cruz County Regional Transportation Commission (hereinafter referred to as "RTC") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. RTC investigates complaints received no more than 180 days after the alleged incident. RTC will process complaints that are complete.

Complaints must be in writing and signed by the complainant on the form provided. Complaints must include the complainant's name, address, and phone number and be detailed to specify all issues and circumstances of the alleged discrimination. Allegations must be based on issues involving race, color or national origin. Title VI Complaints of Discrimination may be filed with:

RTC
Attn: Title VI Coordinator
1101 Pacific Avenue, Suite 250
Santa Cruz, CA 95060

Once the complaint is received, RTC will review it to determine if its office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by RTC.

RTC has 30 days to investigate the complaint. If more information is needed to resolve the case, RTC may contact the complainant. The complainant has 15 business days from the date of the letter to send requested information to RTC. If RTC is not contacted by the complainant or does not receive the additional information within 15 business days, RTC can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After RTC reviews the complaint, it will issue one of two letters to the complainant: a closure letter or a Letter of Finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days after the date of the letter or the LOF to do so.

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

Appendix 3: Title VI Complaint Form

Section 601, under Title VI of the Civil Rights Act of 1964 states, that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” **If you feel you have been discriminated against, please provide the following information in order to assist RTC in processing your complaint.**

SECTION 1 (Please print clearly):

Name: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____(Home) _____(Work)
Accessible format requirements? ____ (Large print) ____ (Audiotape) ____ (TDD) ____ (Other)

SECTION 2

Are you filing this complaint on your own behalf? ____ (Yes) ____ (No)

If you answered yes to this question, go to Section 3.

If not, please supply the name and relationship of the person for whom you are complaining:

Name: _____ Relationship: _____

Please explain why you have filed for a third party: _____

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of the third party. ____ (Yes) ____ (No)

SECTION 3

I believe the discrimination I experienced was based on (check all that apply):

_____ Race _____ Color _____ National Origin

Date and Place of Occurrence: _____

Name (s) and Title(s) of the person (s) who I believe discriminated against me:

The action or decision which caused me to believe I was discriminated against is as follows:
(Please include a description of what happened and how your benefits were denied, delayed or affected):

Please list any and all witnesses' names and phone numbers:

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

SECTION 4

Have you previously filed a Title VI complaint with this agency? _____(Yes) _____(No)

SECTION 5

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court? _____(Yes) _____(No)

If yes, check all that apply:

Federal Agency____ Federal Court____ State Agency____ State Court ____ Local Agency____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name:_____ Title:_____

Agency:_____

Address:_____

Telephone Number:_____

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

I believe the above information is true and correct to the best of my knowledge.

Signature and date required below:

Signature

Printed Name

Date

Please submit this form in person at the address below or mail this form to:

RTC Title VI Coordinator
1101 Pacific Avenue, Suite 250
Santa Cruz, CA 95060

Appendix 4: List of Transit-Related Title VI Investigations, Complaints, and Lawsuits

Per FTA Circular 4702.1B, “all recipients are required to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin”:

- Active investigations conducted by FTA and entities other than FTA
- Lawsuits; and
- Complaints naming the recipient

Thus far, RTC has not received Title VI Investigations, Complaints or Lawsuits. Below is the list that will be used for tracking these incidents:

Investigations, Lawsuits and Complaints

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

Appendix 5: Public Participation Plan Activities

Public involvement is a major component of the transportation planning and programming processes. RTC makes a concerted effort to solicit public input from all Santa Cruz County residents, including under-represented groups, in many aspects of transportation planning within Santa Cruz County. The following table provides a list of the activities that the RTC undertakes to try to ensure the participation of the entire Santa Cruz County community in the work of the RTC.

| Item | Frequency | Web | Email | Mail | Media | Other |
|--|--|--|---|---|---|--|
| SCCRTC Meetings/ Agenda Packets | 1-2 times per month, second meeting in a workshop format | Posted 3-6 days prior to meeting | Notification sent to distribution list and interested parties (e-news) when packet posted on web | Packet mailed to Commissioners and major libraries. | Main meeting is televised and rebroadcast on Community TV, media notified by email when packet is posted on web | Meetings are held throughout the County; hard copy of packet available in agency office, major libraries and some partner agency offices |
| SCCRTC Actions | As needed for high profile program/project decisions | Press release and/or news feed posted | Notification to interested parties (e-news), if appropriate | None generally | Press release distributed before and/or after key SCCRTC actions (meeting) | Notification included in committee packets as appropriate |
| SCCRTC Highlights | Following main monthly meeting | Posted day or two following meeting | Notification sent to city council members, transit district board members, media, chambers of commerce and SCCRTC committee members | None | (see email) | -- |
| Public Hearings | As needed for high profile program/project decisions | Notice posted 10 days or more prior to hearing, materials posted | Notification to interested parties (e-news) and those who receive the | (see SCCRTC packets) | Press release sent 1-2 weeks in advance, media advisory sent the | Notification included in committee packets as appropriate, signs may also be placed on |

| | | | | | | |
|--|---|--|--|--|--|--|
| | | with packet (at least 4 days prior) | SCCRTC packets | | day before if a public event, paid ads may also be placed 1-2 weeks in advance | A-frame barricades on major thoroughfares. |
| Correspondence from the Public | Varies | Entry included in correspondence log posted with packets | If correspondence is received via email, it is acknowledged via email. | None | None | Correspondence addressing specific SCCRTC projects may be included with that item in the SCCRTC meeting packets. |
| SCCRTC Committees | Every 1-2 months | Packets posted on web | Packets emailed, notification about packet availability emailed to interested parties (e-news) | Packets mailed to committee members that request it, fees may apply per SCCRTC Rules and Regulations | None, unless included in an important recommendation to the SCCRTC | -- |
| Approved SCCRTC plans, documents and/or project information | As available (examples would be completed environmental analyses, RTPs, feasibility analyses, Traffic Monitoring Reports, Regional Transportation Improvement Program (RTIP), etc.) | Plans, documents, info posted on the web | Link to posted document emailed to interested parties (e-news) | Documents mailed to major libraries, if public comment is solicited | Press release sent out when document available with information about the public hearing, if one planned | Hard copies available in RTC offices and public libraries, as appropriate. |
| Social Media | Several times per month | Post Facebook, Twitter, events, and videos, as available | None | None | None | -- |

| | | | | | | |
|----------------------------|---|--|-------------------|-------------------|--|--|
| Language Assistance | Alternate formats (Spanish, hearing or sight impaired, etc) of various documents and materials are available as appropriate | The RTC website has Spanish translation options and will be fully accessible for disabled users. | Currently limited | Currently limited | Coordinate with, submit media releases to, and include ads and announcements in Spanish language media, as appropriate | Agendas for public include notice in Spanish of availability of interpreter for those who require Spanish language assistance to participate |
|----------------------------|---|--|-------------------|-------------------|--|--|

Website: www.sccrtc.org Phone: 831 460-3200 Fax: 831 460-3215 E-mail: info@sccrtc.org

Appendix 6: Table Depicting Minority Representation on Committees and Councils Selected by RTC

This is a required table depicting racial breakdown of transit-related, non-elected planning boards, advisory councils or committees. Also a description of efforts made to encourage minority participation. The RTC has two citizens advisory committees. These are the Bicycle Transportation Advisory (Bike) Committee and the Elderly and disabled Transportation Advisory Committee (E&D TAC). The E&D TAC also serves as the local Social Services Transportation Advisory Council.

| Body | Caucasian | Hawaiian/ Pacific Islander | African American | Asian American | Native American | Other |
|---------------------------|------------------|---|--------------------------------|-----------------------------------|----------------------------|--------------|
| Population | 87% | 0.2% | 1.5% | 5.3% | 1.8% | 4.2% |
| E&D TAC | 100% | | | | | |
| Bike Comm | 79% | | | 16% | | 5% |
| Language Group | English | Spanish | Other Indo European | Asian & Pacific Is | Other | |
| Population | 67.9% | 26% | 2.8% | 2.9% | 0.5% | |
| E&D TAC | 88% | 2% | | | | |
| Bike Comm | 100% | | | | | |

The RTC’s Elderly and Disabled Transportation Advisory Committee is composed of 15 membership positions as follows:

| <u>Representatives of:</u> | <u># of members</u> |
|---|---------------------|
| potential transit users who are 60 years of age or older* | 1 |
| potential users who have a disability* | 1 |
| local social service providers for seniors*, potentially including one representative of the Santa Cruz County Seniors Commission | 2 |

| | |
|--|---|
| local social service providers for people with disabilities*, potentially including one representative of the Santa Cruz County Commission on Disabilities | 2 |
| local social service provider for persons of limited means* | 1 |
| for each of the five supervisorial districts, the elderly, persons with disabilities and/or persons of limited means | 5 |
| Santa Cruz County Consolidated Transportation Service Agency (CTSA) | 2 |
| Santa Cruz Metropolitan Transit District (Metro) | 1 |

The Bicycle Transportation Advisory Committee is composed of 11 membership positions as follows:

| | |
|--|---|
| One person representing each of the five supervisorial districts | 5 |
| One person representing each of the four cities | 4 |
| A representative of Bike to Work | 1 |
| A representative of the Community Traffic Safety Coalition | 1 |

The RTC periodically recruits for participation in its advisory committees in effort to keep membership positions filled and encourage participation from all segments of the Santa Cruz County community. Recruitment efforts include outreach materials and ads in English and Spanish.

Appendix 7: Employee Education Form

Title VI Policy

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of RTC and its affiliates are expected to consider, respect, and observe this policy. Citizen questions or complaints shall be directed to the RTC Title VI Coordinator.

Appendix 8: Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge receipt of RTC's Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits or services delivered by the RTC on the basis of race, color, or national origin, as protected by Title VI.

Your signature

Print your name

Date

Appendix 9: Letter Acknowledging Receipt of Title VI Complaint

Today's Date

Ms. Jane Smith
1234 Main St.
Capitola, CA 95060

Dear Ms. Smith:

This letter is to acknowledge receipt of your complaint against RTC alleging

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning (831) 460-3200, or write to:

Santa Cruz County Regional Transportation Commission
Attn: Title VI Coordinator
1101 Pacific Avenue, Suite 250
Santa Cruz, CA 95060

Sincerely,

RTC Title VI Coordinator

Appendix 10: Letter of Finding (Notifying Complainant that Complaint Is Substantiated)

Today's Date

Ms. Jane Smith
1234 Main St.
Capitola, CA 95060

Dear Ms. Smith:

The matter referenced in your letter of _____ (date) against RTC alleging a Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for bringing this important matter to our attention. Your input was helpful during our review of this matter. ***(If a hearing is requested, the following sentence may be appropriate.)*** You may be hearing from this office, or from Federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

RTC Title VI Coordinator

Appendix 11: Closure Letter (Notifying Complainant that the Complaint Is Not Substantiated)

Today's Date

Ms. Jane Smith
1234 Main St.
Capitola, CA 95060

Dear Ms. Smith:

The matter referenced in your complaint of _____ (date) against the Santa Cruz County Regional Transportation Commission (RTC), alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, have in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving Federal financial assistance.

RTC has analyzed the materials and facts pertaining to your case for evidence of RTC's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to appeal this decision within thirty calendar days of receipt of this final written decision from RTC.

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to contact me.

Sincerely,

RTC Title VI Coordinator

RTC Language Assistance Plan

Background

The purpose of this Language Assistance Plan is to clarify the responsibilities of RTC, as a recipient of federal financial assistance from the U.S. Department of Transportation (DOT), to persons with Limited English Proficiency (LEP), pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

Executive Order 13166

Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 11, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance.) Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments (such as RTC), private and non-profit entities, and sub-recipients.

Plan Summary

RTC has developed this Language Assistance Plan (LAP) to help identify reasonable steps to provide language assistance for LEP persons who seek meaningful access to RTC services as required by Executive Order 13166. As defined by this order, a person with Limited English Proficiency is one who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English.

This plan details procedures for identifying a person who may need language assistance, the ways in which assistance may be provided, staff training, how to notify LEP persons that assistance is available, and potential future updates to the plan.

Four Factor Analysis

The U. S. Department of Transportation (DOT) issued its Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons [Federal Register: December 14, 2005 (Volume 70, Number 239)]. This policy states that DOT recipients are required to take reasonable steps to ensure meaningful access to programs by LEP persons. This coverage extends to the recipient's entire program.

There are four factors for agencies to consider when assessing language needs and determining what steps they should take to ensure access for LEP persons, regardless of whether or not the agency chooses not to prepare a written LEP plan. A brief description of the self-assessment undertaken in each of these areas follows.

In developing the plan, RTC undertook a four factor analysis as required by U.S. DOT. This considers the following factors:

- 1) The number or proportion of LEP persons eligible to be served or likely to be encountered by RTC.
- 2) The frequency with which LEP persons come into contact with RTC programs, activities, or services;
- 3) The nature and importance of the programs, activities or services provided by RTC to the population; and
- 4) The resources available to RTC for LEP outreach, as well as the costs associated with that outreach.

A summation of these considerations is provided in the following section.

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by RTC.

In order to understand the proportion of LEP persons eligible to be served or likely to be encountered by RTC, RTC examined the 2019 American Community Survey Estimates: Language Spoken at Home by Ability to Speak English for the Population 5 years and Over; State & County Quick Facts for Santa Cruz County, California.

The 2015-2019 American Community Survey 5-Year Estimates for Santa Cruz County, show a population of 259,770 for individuals 5 years and over.

Using the percentages in “Languages Spoken At Home” from the *2015-2019 American Community Survey 5-Year Estimates*, RTC has determined the following about Santa Cruz County’s population over age 5 in the service area:

- 67.9% or 176,312 people speak English only.
- Approximately 32.1% or 83,458 people speak a language other than English, of whom 12.7% or an estimated 32,869 people speak English less than “very well”.
- The largest proportion of non-English speaking language groups is Spanish with 26% or an estimated 67,419 people, of whom 11.2% or 29,156 of speak English less than “very well”.
- 2.8% or an estimated 7,294 people speak Other Indo-European languages, of whom 0.3% or 909 people speak English less than “very well”.
- 2.9% or an estimated 7,472 people speak Asian and Pacific Island languages, of whom 1.0% or 2,560 people speak English less than “very well”.

DOT has adopted Department of Justice’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. “The ‘Safe Harbor Provision’, as defined by Department of Justice, stipulates that if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent

(5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations.”

RTC further examined specific languages using the 2015-2019 American Community Survey 5-Year Estimates: Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over. This data allowed RTC to determine whether those speaking languages other than Spanish fall under the 'Safe Harbor Provision.' All language groups other than Spanish have estimated populations of less than 1,000 persons and less than 5% of the total population. The language groupings "Other Indo European" and "Asian and Pacific Island" each include many languages. Speakers of individual languages within each group who speak English less than "very well" fall below the thresholds in the "Safe Harbor Provision." RTC will further examine providing services to these language groups in future reviews of the Title VI Program.

2. The frequency with which LEP persons come into contact with RTC programs, activities, or services.

RTC regularly assesses the frequency at which staff have, or could possibly have contact with LEP persons. RTC staff has some interactions with Spanish speakers during the planning and programming processes.

3. The nature and importance of the programs, activities or services provided by RTC to the population.

Access to the transportation planning and programming processes are essential service for RTC's residents. RTC's 'transit-dependent' population includes elderly persons, people with disabilities, youth, and individuals below the poverty line and without vehicles.

According to the 2015-2019 American Community Survey 5-Year Estimates: Selected Social Characteristics in the United States, the largest geographic concentration of LEP individuals in RTC's service area is Spanish-speaking.

4. The resources available to RTC for LEP outreach, as well as the costs associated with that outreach.

RTC has assessed its available resources that could be used for providing LEP assistance. RTC makes provision to have translators available at public meetings when such services are requested. When advertised public hearings or workshops are held RTC hires translators to be available in case anyone attends who needs Spanish language assistance to fully participate. RTC has staff members who are very proficient in Spanish language and can perform as translators when hired translators are not available.

Language Assistance Plan Outline

After analyzing the four factors, RTC developed the following Language Assistance Plan to assist persons of Limited English Proficiency.

How RTC staff may identify an LEP person who needs language assistance:

- Examine records of requests for language assistance from past meetings and events to determine

the possible need for assistance at future events;

- Agendas for RTC meetings provide a notice that translation services will be provided if requested;
- For advertised public hearings and workshops, RTC hires Spanish translators to be present at the events and announces their presence at the beginning of the event;
- Survey staff, on an annual basis at the beginning of each fiscal year regarding their experience on having any direct or indirect contact with LEP individuals.

Language Assistance Measures

RTC will continue to include a notice in its meeting agendas stating that Spanish interpreter services will be provided upon request.

RTC will continue to provide Spanish interpreters for advertised public hearings and workshops and include a notification in the outreach materials and agendas for those events that such services will be available.

RTC staff, who are fluent in Spanish, will continue to be available for Spanish language communication with the community as needed.

When an interpreter is needed, in person or on the telephone, RTC staff will first attempt to determine what language is required, and then seek services of a staff interpreter, or authorized interpreter for hire or utilize the telephone interpreter service - Language Line Services at <http://www.language.com/>.

RTC Staff Training

All RTC staff will be provided with the LAP Plan and will be educated on the following procedures. This information will also be part of the staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- Language assistance services RTC offers;
- Who the Spanish speaking staff members are and how to contact them when needed;
- Who the authorized translators and interpreters for hire are and how to enlist their services when needed;
- How to use the "Language Line" interpretation and translation services;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint.

Outreach Techniques

RTC will use the following outreach techniques:

- When staff will be hosting a meeting or workshop or will be presenting a pertinent topic, all meeting notices and flyers and agendas will give notice that interpretation services can be provided.
- RTC will continue to send notices of meetings, public hearings, workshops and other events to Spanish media outlets.
- RTC will continue to place ads and public service announcements in Spanish media outlets as necessary for RTC programs and projects.
- When running a general public meeting notice, staff will state that a translator will be available in Spanish, or in another language as determined to be necessary.

Monitoring and Updating the Language Assistance Plan

RTC's Language Assistance Plan is designed to be easily updated. At a minimum, RTC will follow the Title VI Program update schedule of submission every three years.

Each update of the LEP Plan will examine plan components including:

- How many LEP persons were encountered annually?
- Were the needs of these LEP persons met?
- What is the current LEP population in RTC's service area?
- Is a change needed in the types of language translation services provided?
- Is there still a need for continued language assistance for previously identified RTC programs? Are there other programs that should be included?
- Have RTC's available resources, such as technology, staff, and financial costs changed?
- Has RTC fulfilled the goals of the LAP Plan?
- Were any complaints received?

Dissemination of RTC Language Assistance Plan

RTC will include the Language Assistance Plan along with the Title VI Program on the RTC website (www.sccrtc.org). Any person, including social service, non-profit, and law enforcement agencies and other community partners with internet access, will be able to access the plan. Copies of the Language Assistance Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions regarding this plan should be directed to RTC Title VI Coordinator:

RTC Title VI Coordinator
1101 Pacific Avenue, Suite 250
Santa Cruz, CA 95060
Phone: (831) 460-3200