

NOGALES RIDES
CITY OF NOGALES, ARIZONA

Title VI PLAN
September 12, 2012

Nogales Public Transit Title VI Plan

Date Adopted: _____

I. Plan Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Specifically, Title VI provides 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" (42 U.S.C. Section 2000d).

Nogales Rides is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI above, and further set forth in Federal Transit Administration (FTA) Circular 4702.1.A.

This plan was developed to guide the Nogales Rides in its administration and management of Title VI-related activities.

Title VI Coordinator Contact information

Juan Guerra, P.E., M.M., 1450 North Hohokam Drive, Nogales, AZ 85621. Phone: (520) 285-5753.

II. Title VI Information Dissemination

Title VI information posters shall be prominently and publicly displayed in the Public Works building and in the Nogales Rides van. The name of the Title VI coordinator is available on the City of Nogales website, at www.nogalesaz.gov/____ . Additional information relating to nondiscrimination obligation can be obtained from the Nogales Rides Title VI Coordinator.

Title VI information shall be disseminated to Nogales Rides employees annually via the Employee Education form (see Appendix A) in person. This form reminds employees of the Nogales Ride's policy statement, and of their Title VI responsibilities in their daily work and duties.

During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and the Nogales Rides policies and procedures.

All employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see Appendix B).

III. Subcontracts and Vendors

All subcontractors and vendors who receive payments from City of Nogales where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

IV. Record Keeping

The Title VI Coordinator will ensure that all Nogales Rides employees receive annual Title VI training and that documentation of this training, as well as signed acknowledgements of receipt from the employees indicating the receipt of the of Nogales Rides Title VI Plan, are routed to the HR department for inclusion in the employees' permanent personnel files.

The Title VI coordinator will maintain permanent records that include copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

V. Title VI Complaint Procedures

How to file a Title VI Complaint?

The complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that you deem significant

The Title VI Complaint Form (see Appendix C) may be used to submit the complaint information. The complaint may be filed in writing with Nogales Rides at the following address:

Nogales Rides
City of Nogales Public Works
1450 North Hohokam Drive
Nogales, AZ 85621

NOTE: Nogales Rides encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original,

signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination.

What happens to the complaint after it is submitted?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by Nogales Rides will be directly addressed by Nogales Rides. Nogales Rides shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, Nogales Rides shall make every effort to address all complaints in an expeditious and thorough manner.

A letter of acknowledging receipt of complaint will be mailed within seven days (Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

How will the complainant be notified of the outcome of the complaint?

Nogales Rides will send a final written response letter (see Appendix E or F) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Appendix F), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from Nogales Rides, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

Once sufficient information for investigating the complaint is received by Nogales Rides, a written response will be drafted subject to review by the City HR Director. If appropriate, the City HR Director may administratively close the complaint. In this case, Nogales Rides will notify the complainant of the action as soon as possible.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

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

VI. Limited English Proficiency (LEP) Plan

A substantial percentage of the Nogales Rides ridership consists of mono-lingual Spanish speakers, especially among the elderly in the community. All Nogales Rides employees, including Title VI Coordinator, ride scheduler and driver, are fluent Spanish-speakers. To date, there has been no limitation on providing service to a client or potential client based on limited use of English on the part of the person requesting service or utilizing the service provided by Nogales Rides.

Based on U.S. Census information and history of users of the Nogales Rides services, there is currently no identified population cluster in the Nogales Rides service area that is unable to adequately communicate their service needs either in English or Spanish. Therefore, staff that is fully bilingual in English and Spanish is considered adequate to meet the needs of any person of limited English proficiency within the Nogales Rides service area.

VII. Community Outreach

Community Outreach is a requirement of Title VI.

As an agency receiving federal financial assistance, we have made the following community outreach efforts:

Nogales Rides has engaged the public in its planning and decision-making processes, as well as its marketing and outreach activities. **Between 2007-2009**, the public was invited to participate in these activities.

Customer Complaint Process: Citizens may call our _____ at (520) 285-____ to lodge a complaint or comment. All complaints/comments are distributed to the relevant supervisor who researches the complaint and responds back to the citizen.

General Awareness: We conduct rider and general awareness surveys frequently. In 2008 a Transportation Summit/study was undertaken to garner information from the public regarding their perceptions of public transportation. Origin/Destination surveys and other public surveys are developed to assist Nogales Rides in gathering information to develop new routes.

Bilingual Outreach: All Nogales Rides employees are fully bilingual, as is the Title VI Coordinator. Spanish-speaking passengers are provided complete information services, including when they call requesting scheduling passenger service, in Spanish. Bilingual assistance is utilized in outreach programs and offered for programs and public meetings.

Nogales Rides submits to the Arizona Department of Transportation annually an application for funding. The application requests funding for both capital and operating assistance. Part of the annual application is a public notice, which includes a 30-day public comment period.

Appendix A Employee Annual 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 Nogales Rides are expected to consider, respect, and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to _____, Title VI Coordinator.

In all dealings with citizens, use normal courtesy titles (i.e. sir/ma'am, Mr./Mrs./Ms./Miss or *señor/señora/señorita*) to address them without regard to race, color or national origin.

Appendix B Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge the receipt of the Nogales Rides 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 of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A.

Your signature

Print you name

Date

Appendix C TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires 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 in transit services, please provide the following information in order to assist us in processing your complaint and sent it to:

Nogales Rides
1450 North Hohokam Drive
Nogales, AZ 85621

Please print clearly:

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____(home) _____(cell) _____(message)

Person discriminated against: _____

Address of person discriminated against: _____

City, State, Zip Code: _____

Please indicate why you believe the discrimination occurred:

- _____ Race or color
- _____ National origin
- _____ Income
- _____ Other

What was the date of the alleged discrimination? _____

Where did the alleged discrimination take place? _____

Please describe the circumstances as you saw it: _____

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

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

Please attach any documents you have which support the allegation. Then date and sign this form and send to the Title VI Coordinator at:

Nogales Rides
1450 North Hohokam Drive
Nogales, AZ 85621

Your signature

Print your name

Date

APPENDIX D Letter Acknowledging Receipt of Complaint

Today's Date

Ms. Jo Doe
1234 Main St.
Nogales, AZ 85621

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against Nogales Rides 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 (520) 285- or write to me at 1450 N. Hohokam Drive, Nogales, AZ 85621.

Sincerely,

Nogales Rides Title VI Coordinator

APPENDIX E Letter Notifying Complainant that the Complaint Is Substantiated

Today's Date

Ms. Jo Doe
1234 Main St.
Nogales, AZ 85621

Dear Ms. Doe:

The matter referenced in your letter of _____ (date) against Nogales Rides 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 calling this important matter to our attention. You were extremely helpful during our review of the program. ***(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,

Title VI Coordinator

APPENDIX F Letter Notifying Complainant that the Complaint Is Not Substantiated

Today's Date

Ms. Jo Doe
1234 Main St.
Nogales, AZ 85621

Dear Ms. Doe:

The matter referenced in your complaint of _____ (date) against Nogales Rides 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 had 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.

Nogales Rides has analyzed the materials and facts pertaining to your case for evidence of the city'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 1) appeal within seven calendar days of receipt of this final written decision from Nogales Rides, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor - TCR
1200 New Jersey Ave., SE
Washington, DC 20590

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

Sincerely,

Title VI Coordinator

APPENDIX G Posters to be Displayed in Nogales Rides Vehicles and Facilities

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides 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" (42 U.S.C. Section 2000d).

Nogales Rides is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A. **If you feel you are being denied participation in or being denied benefits of the transit services provided by Nogales Rides, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at: 1450 North Hohokam Drive, Nogales, AZ 85621.**

For more information, visit our website at: www.nogalesaz.gov/