

# NANTUCKET REGIONAL TRANSIT AUTHORITY

## TITLE VI PLAN

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Nantucket Regional Transit Authority  
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## **Introduction**

Title VI of the Civil Rights Act of 1964 states that “no person in the United States shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance”.

To comply with this basic civil rights mandate, each federal agency that provides financial assistance for any program is authorized and directed by the United States Department of Justice to apply provisions of Title VI to each program by issuing applicable rules, requirements and regulations. The Federal Transit Administration (FTA) issued new circular guidelines (FTA C 7402.1A) on May 13, 2007 for FTA recipients. This circular describes the Title VI compliance programs to be maintained by recipients of FTA administered funds for transit programs.

This report will explain the Nantucket Regional Transit Authority's (NRTA) Title VI Program. The Title VI Program, managed by the Department of Transportation (DOT) assures that the program requirements are fully met and that NRTA is compliant with Federal guidelines and is responsive to the needs of Title VI beneficiaries.

## **Annual Submission of Assurances**

The NRTA will submit an annual Title VI Assurance as part of the annual Certification and Assurance submission to FTA (attachment 1). The NRTA will collect the Title VI assurances from any sub-recipients prior to passing through FTA funds.

## **Title VI Complaint Procedures**

The NRTA is committed to ensuring that no person is excluded from participation in, or denied benefits of its services on the basis of race, color, and national origin as protected by Title VI of the Civil Rights Act of 1964, 49 CFR 21.9(b). Anyone who believes there is an act of discrimination in a program or activity may file a complaint with the Nantucket Regional Transit Authority, the Massachusetts Department of Transportation and the FTA Office of Civil Rights.

Complaints should be addressed to: Paula Leary, NRTA Administrator, 3 East Chestnut Street, Nantucket, MA 02554, 508-325-9571; TTY 508-325-7516; [nrta@nantucket-ma.gov](mailto:nrta@nantucket-ma.gov). Massachusetts Department of Transportation, Office of Civil Rights, 10 Park Plaza, Suite 4160, Boston MA 02116 or [MassDOT.civilrights@state.ma.us](mailto:MassDOT.civilrights@state.ma.us)

Any person may submit a complaint in writing or verbally who believes that he or she or any specific class of persons has been subjected to discrimination that is prohibited by Title VI of the Civil Rights Act of 1964, its amendments and related statutes, by the

NP&EDC or NRTA in their role of planning and programming federal funds. Complaints may be submitted for discrimination on the basis of race, color, and national origin. Any such complaint shall be submitted no later than 180 days after the date the person believes the discrimination to have occurred.

Complaints shall be in writing, verbally and if necessary with assistance provided by NRTA and shall set forth as completely as possible the relevant facts and circumstances surrounding the alleged discrimination. The following information shall be included:

- Name, address, and phone number of the complainant
- A statement of the complainant, including:
  - The basis of the alleged discrimination (race, color, national origin)
  - A detailed description of the alleged discriminatory act(s)
  - What in the nature of the alleged act(s) led the complainant to feel that discrimination was involved
  - The date(s) on which the alleged discriminatory act(s) occurred
  - The name(s) of individual(s) alleged to have participated in the act(s)
- The names of all other agencies or organizations where the complaint is also being filed (if applicable)
- The signature of the complainant and date submitted.

Upon receipt of the complaint, the NRTA staff will review it. Staff shall provide written acknowledgment of receipt to the complainant within ten (10) business days.

The review may include the gathering of additional information from the complainant and/or the alleged discriminating party or parties.

Upon completion of the review, staff shall submit a report of findings to the members of the NRTA Advisory Board. If the complaint is found to have merit, the report of staff shall also include proposed resolutions and/or recommended actions, such as:

- Forwarding the complaint to a responsible implementing agency
- Identifying remedial actions that are available to offer redress
- Identifying possible improvements to the NRTA Title VI processes.

If more time is required for the review, NRTA staff shall notify the complainant and NRTA Advisory Board chair of the anticipated additional time needed.

The NRTA staff shall submit the report of findings to the members of the NRTA Advisory Board for discussion and action. A copy of the report shall also be provided to the complainant. The NRTA shall issue a written response to the complainant describing any action taken. The response shall be issued no later than sixty (60) calendar days after the date on which the complaint was received. If more time is required for action, the NRTA shall notify the complainant of the anticipated additional time needed.

The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within seven (7) calendar days of the original determination to the Administrator of the NRTA. The Administrator shall consider the complainant's request for reconsideration. The request for reconsideration shall be considered denied if no action is taken within the (10) calendar days after the date the Administrator received the request for reconsideration.

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impeded by the persons pursuit of other remedies such as filing a complaint with the responsible federal or state department or agency. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.

These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the Nantucket Regional Transit Authority complies with the Title VI and implementing regulations.

If the complainant is dissatisfied with the resolution made by the Nantucket Regional Transit Authority, the same complaint may then be submitted to FTA 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 of Transportation for investigation.

### **Record of Title VI Investigations, Complaints or Lawsuits**

To our knowledge the Nantucket Regional Transit Authority has not had any Title VI investigations, complaints or lawsuits filed against them since the last submittal.

NRTA and subrecipients will prepare and maintain a list of any active investigations, complaints, or lawsuits conducted by entities other than FTA that allege discrimination on the basis of race, color or national origin. This list will include when the date of the investigation, complaint or lawsuit was filed; a summary of the allegation(s); the status of the investigation, complaint or lawsuit; actions taken by the recipient or subrecipients in response to the investigation, complaint or lawsuit. This list will be prepared and maintained by the NRTA Administrator.

The NRTA will comply with 48 CFR Section 21.9(b) should NRTA find themselves in that situation.

### **Access to Services by Persons with Limited English Proficiency**

The area served by the NRTA has a population of 9,500 with 200 total LEP population, less than 2%, based on the Migration Policy Institute, National Center on Immigrant Integration Policy data, attachment 3. LEP number estimates by language are displayed only if 500 persons or more and LEP percentage estimates by language are displayed only if 5% or more. American Community Survey 2009-2013 data estimates

that 2.6% of the population speaks English less than very well for the population 5 years of age and over. Below is the breakdown:

Subject	Nantucket County, Massachusetts			
	Estimate	Margin of Error	Percent	Percent Margin of Error
<b>LANGUAGE SPOKEN AT HOME</b>				
Population 5 years and over	9,506	+/-57	9,506	(X)
English only	8,247	+/-439	86.80 %	+/-4.7
Language other than English	1,259	+/-448	13.20 %	+/-4.7
Speak English less than "very well"	245	+/-130	2.60%	+/-1.4
Spanish	541	+/-433	5.70%	+/-4.5
Speak English less than "very well"	58	+/-81	0.60%	+/-0.8
Other Indo-European languages	637	+/-312	6.70%	+/-3.3
Speak English less than "very well"	126	+/-90	1.30%	+/-0.9
Asian and Pacific Islander languages	74	+/-46	0.80%	+/-0.5
Speak English less than "very well"	61	+/-46	0.60%	+/-0.5
Other languages	7	+/-10	0.10%	+/-0.1
Speak English less than "very well"	0	+/-95	0.00%	+/-0.4

There is a relatively small population of Limited English Speakers (LEP). In addition to the year-round residents of the service area, there are a number of international visitors during the summer months. Those visitors speak dozens of language and there is no single language that dominates.

At times, there is some interaction with someone from the LEP population and NRTA can interact with them utilizing available resources. We have the ability to translate documents and informational materials into languages other than English. The NRTA has entered into an agreement with a translation company. We have the capability to translate other documents, upon request, into approximately 50 different languages. The NRTA has staff available and accessible persons who are bi-lingual in Spanish, Tagalog, Portuguese, Bulgarian, Romanian, Serbian, Russian, Patwah and Turkish. We also have various agencies and individuals, Nantucket Community School, Nantucket Literacy Program, Nantucket Cottage Hospital to further assist us in communicating with LEP customers when necessary. The NRTA has also identified a liaison within the Spanish Community, the largest group identified as speaking English less than very well to assist in dissemination of information and notice of meetings when necessary. This was a successful means of communication when the NRTA was

seeking public input for Mass DOT's Regional Public Hearing Meetings in October 2012. Over thirty (30) comments were received from the Spanish Community. The NRTA intends to continue these types of outreach in the future. The NRTA has identified two certified translators in Spanish. The NRTA has also identified an available volunteer French translator.

To facilitate communication with LEP populations the NRTA has taken several actions. The NRTA utilizes Google Translator on its website ([www.nrtawave.com](http://www.nrtawave.com)). This allows people to choose one of over 50 languages to view information. Anything posted on our site (bus schedules, applications, service information, policies) can be translated utilizing the Google Translator. It also allows staff that interacts with the public to view or print information in any of those languages. Google translate was made available at the NRTA's information center and Administrative Office. This provided information aides, the NRTA Administrator and Trip Scheduler/Office Administrator with the resource to interact effectively with LEP populations when necessary to do so. An informal survey of the information aides demonstrated this resource was used to effectively communicate with a few LEP visitors. There were no issues with inaccurate translations using this resource from the customer perspective. No other LEP populations required the use of this resource to relay information being requested. The NRTA Administrative Office had no LEP populations requiring the use of this resource or a translator. The NRTA has limited staff and resources to conduct surveys of its ridership to determine the country of origin or LEP populations. However, the NRTA will implement a plan to conduct annual surveys of its information aides, management staff and drivers each season to determine if changes are necessary.

The NRTA will document its outreach efforts and the frequency and nature of the language services provided. This data will then be used to analyze its effectiveness and determine if changes in these efforts are necessary.

In addition to the data provided in determining LEP populations in Nantucket, the NRTA reviewed: Attachment 3 of MassDOT's Title VI Program for Rail and Transit which illustrates in Figure 9 Population Distribution of Those Speaking Languages at Home Other Than the Top Six Statewide from the 2010 Census. The data shown for Nantucket represents 50 language speakers. Figure 4 Population Distribution of Those Speaking Spanish at Home represents 100 Spanish Speakers. Figure 3 Percentage of Limited English Proficiency Speakers shows there are no limited English Proficiency Speakers

As a subrecipient of Federal funds through MassDOT, the NRTA will, in part, rely on assistance being provided by MassDOT to subrecipients as identified in MassDOT's Title VI Program for Rail and Transit.

The NRTA will reevaluate the LEP population when new census or other data becomes available and will act in accordance with 49 CFR 21.5(b) and the DOT LEP guidelines should an increase in our LEP population occurs.

## **Notifying Beneficiaries of Their Rights under Title VI**

The Nantucket Regional Transit Authority HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that no person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.

The Nantucket Regional Transit Authority will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9(b).

The Nantucket Regional Transit Authority will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin, as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation. In 2013, the Rights of Beneficiaries Notice was posted on all NRTA revenue vehicles, at its Administrative Office, its information center and on its website. For the 2014 season, the Rights of Beneficiaries Notice, in Spanish, will be posted at these same locations. The following documents are available in Spanish on the NRTA's website: Title VI Overview, Title VI Rights of Beneficiaries, Title VI Non Discrimination Policy, Title VI Discrimination Complaint Procedure, and the Title VI Discrimination Complaint Procedure (which can be filed electronically or printed out). These documents are also available on the website in English and using the translation section of the website can be translated into many different languages.

The NRTA will annually review its Notice to Beneficiaries and modify the document as needed. The dissemination strategy developed above will be followed for modified documents. The NRTA will annually review its dissemination strategy and modify if necessary.

## **Effective Practices for Fulfilling the Notification Requirement**

### **Dissemination**

Upon the approval of the NRTA's Title VI Program an announcement at its Advisory Board meeting which is televised. The NRTA will post the Program on its website and at the NRTA Administrative Office and have a copy available at the customer service center. The Program will also be made available to the public upon request. The public will be notified through a news notice to the local paper and on its website in the public notice section.

### **General Notification**



Upon approval of our Title VI program, we will notify the public about our Title VI program through the measures described in the Dissemination portion of this document.

### **Document Translation**

The NRTA will translate its Title VI Program upon request or if we are made aware, through updated data, or as a result of surveys, of other LEP populations in our service area.

### **Subrecipients**

The NRTA will plan on all subrecipients adopting the Title VI Program of the NRTA.

### **Guidance on Conducting an Analysis of Construction Projects**

The NRTA is not in the process of any construction projects at this time and does not have plans for construction projects well into the future. If that changes, the NRTA will work to ensure fair and equitable practices as they relate to FTA and the Title VI Program.

### **Guidance on Promoting Inclusive Public Participation**

The NRTA conducts several public meetings on the subjects of fare structure changes, service changes and general information made available to the Advisory Board, including but not limited to season updates, budgets and other operational information as it relates to our services.

The NRTA promotes the public's participation as follows:

The NRTA coordinates with individuals, institutions and organizations in minority and low-income communities by providing outreach to our consumers in our service area.

We receive feedback from our consumers by way of surveys from time to time and are always interested in what our consumers say about our services. There is a comment section on our website and feedback option on our real time bus phone app. Our drivers and customer service representatives are encouraged to document and provide feedback as to what can be done to improve our service based on the daily interaction they encounter with consumers.

The NRTA, from time to time, has meetings in which power point presentations are used to aide discussions. Consumers are permitted to audio record meetings if it is made known they are making use of a device. NRTA Advisory Board meetings are televised.

The NRTA Advisory Board meets at a location that is centrally located within the service area and is handicap accessible.

The NRTA will use the local papers and media outlets, attend various meetings (Chamber of Commerce, Visitor Services, Rotary Club, Commission on Disability and Nantucket Healthy Community Collaborative) and other methods (as they become available) to communicate with the public. The NRTA posts its Advisory Board meetings with the Town Clerk's Office and on its website. Agendas and Board packets are available on the NRTA's website prior to the meetings.

The NRTA will work with the LEP population to make sure that we implement DOT's policy guidance. We will continue to explore different opportunities to overcome barriers within public transportation and refer to the MassDOT Office for Diversity and Civil Rights and/or the FTA website for assistance.

\_\_\_\_\_  
Paula Leary  
NRTA Administrator

\_\_\_\_\_  
Date

Passed and adopted by the Advisory Board of the Nantucket Regional Transit Authority this 18<sup>th</sup> day of March, 2015.

\_\_\_\_\_  
Chairman of the Advisory Board

\_\_\_\_\_  
Date