

NANTUCKET REGIONAL TRANSIT AUTHORITY

20 R South Water Street

Nantucket, MA 02554

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AGENDA FOR THE MEETING OF THE NRTA ADVISORY BOARD

NOVEMBER 18, 2020

5:00 P.M.

**COMMUNITY ROOM, NANTUCKET POLICE STATION
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS**

OPEN SESSION

REMOTE PARTICIPATION VIA ZOOM WEBINAR

Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law (Attached)

Information on viewing the meeting can be found at <https://www.nantucket-ma.gov/138/Boards-Commissions-Committees>

OPEN SESSION

- I. Public Comment.
- II. Approval of Minutes for the May 20, 2020.
- III. Approval of Updated Title VI Plan.
- IV. Approval of NRTA Fare Policy.
- V. Other Business.

YOU TUBE LINK:

https://youtu.be/WZ_7OzQljxc

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ADVISORY BOARD OPEN SESSION DRAFT

Minutes of the Meeting of May 20, 2020. The meeting took place via Zoom. Members of the Board present by roll call were: Dawn Hill Holdgate, Matt Fee, Jason Bridges, Kristie Ferrantella and Rita Higgins. Ms. Holdgate opened the meeting at 5:41 p.m.

- I. Public Comment. There were no comments from the public.
- II. Approval of Minutes from the January 22, 2020, February 12, 2020, and March 4, 2020 Meetings. Mr. Bridges moved approval, seconded by Mr. Fee. Minutes were unanimously approved by roll call vote.
- III. Service Updates. Paula Leary, NRTA Administrator, provided the Board with service updates: ridership is starting increase, fare revenue is down 69%, expenses are up 9%, increase in expenses for Covid-19 mitigation, and CARES-ACT funding. The Mid Island and Miacomet Loops will operate on 30 minute headways from 7:00 a.m. to 9:00 p.m. The Sconset via Old South Road Route will operate on the summer schedule from 7:15 a.m. to 9:15 p.m. The Madaket Route will begin hourly service on May 22, from 7:00 a.m. to 9:30 p.m. The new commuter service recently approved by the Board will be implemented when there is a demand to do so. Demand Response service has not yet resumed.
- IV. Report from the Finance and Audit Committee from the April 24, 2020 and April 30, 2020 Meetings and Report from the Compensation Committee from the April 24, 2020 meeting. Ms. Leary reported that the Finance and Audit Committee met and accepted the NRTA's FY21 budget as presented based on normal operations. The Compensation Committee discussed pay increases and what was appropriate during this time. Mr. Bridges commented that these are difficult discussions to have and thanked Ms. Leary for opting not to take a cost of living increase.
- V. Approval of FY20 Amended Budget and Approval of FY21 Budget. Ms. Leary informed the Board the FY20 Budget Amendment includes the new approved commuter service. The FY21 Budget is being presented as to normal operations. Mr. Fee commented that we need to continue to look at efficiencies for providing service. Mr. Fee moved approval of the FY20 Amended Budget

and FY21 Budget; seconded by Ms. Ferrantella. The budgets were unanimously approved by roll call vote.

- VI. Approval of FY21 Administrators Salary. The Administrator's FY21 salary will remain the same as the FY20 salary. Mr. Fee moved approval; seconded by Mr. Bridges. The salary was unanimously approved by roll call vote.
- VII. Approval of FY21 Revenue Anticipation Note. Ms. Leary informed the Board the NRTA's Revenue Anticipation Note is \$1,550,000, three bids were received, Oppenheimer & Co., Inc. was the low bid at a net interest cost of 1.3331%. Ms. Leary recommended the Board approve the revenue anticipation note to Oppenheimer & Co., Inc. Mr. Bridges moved approval; seconded by Ms. Ferrantella. The Revenue Anticipation Note was unanimously approved by roll call vote.
- VIII. Other Business. There was no other business before the Board.

The meeting was unanimously adjourned by roll call at 5:52 p.m.

Approved: **DRAFT**

TO: NRTA ADVISORY BOARD
FROM: PAULA LEARY, NRTA ADMINISTRATOR
RE: APPROVAL OF UPDATED TITLE VI PLAN
DATE: NOVEMBER 12, 2020

As per the FTA's Title VI program requirements, the NRTA's Title VI Program is to be updated every three years and approved by the Board.

The update includes the most recent data from the American Community Survey.

I recommend the Board vote to approve the NRTA's Title VI Program update.

Thank you

NANTUCKET REGIONAL TRANSIT AUTHORITY

TITLE VI PLAN

December 2012

Updated:

July 2013

December 2013

March 2015

September 2017

February 2019

October 2019

March 2020

Nantucket Regional Transit Authority
20 R South Water Street
Nantucket, MA 02554
508-325-9571

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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, 20 R South Water Street, Nantucket, MA 02554, 508-325-9571; TTY 508-325-7516; nrtan@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

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

Attachment 2 from the American Community Survey 2013-2017 shows the percentage of minority population and relative poverty based on a percentage of total island households below \$60,000 HH income.

The area served by the NRTA has an effective population of 10,361 with 771 total LEP population. The most recent American Community Survey 2013-2017 (Attachment 3)

information regarding limited English proficiency (LEP) groups, which indicates that there are no LEP groups within Nantucket County that rise above the safe harbor threshold of 1,000 individuals or 5% of the population. 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 languages 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. During the Year Round Feasibility Study in 2016, the NRTA provided documents and marketing and promotional materials in Spanish. Marketing and promotional materials promoting year round bus service were also available in Spanish. 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). 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.

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 18th day of November, 2020.

Chairman of the Advisory Board

Date

TO: NRTA ADVISORY BOARD
FROM: PAULA LEARY, NRTA ADMINISTRATOR
RE: APPROVAL OF NRTA FARE POLICY
DATE: NOVEMBER 12, 2020

The approval of a fare policy is required by the Board to meet the requirements of the Bilateral Memorandum of Understanding between the NRTA and MassDOT dated August 14, 2020.

The NRTA's fare policy:

NRTA will approach the board every three years about the current fare policy and if the board decides to entertain changes a fare analysis will be conducted in the same manner as the one done for the year-round study.

I recommend the Board vote to approve the above fare policy statement.

Thank you.