

NEW CASTLE AREA TRANSIT AUTHORITY TITLE VI POLICY AND COMPLAINT PROCESS, REVISED 2021

The New Castle Area Transit Authority (NCATA) grants equal access to its programs and services to all citizens. This document serves to make citizens aware of their rights to such access, and serves to educate citizens so that they may understand the civil rights laws that protect their receipt and benefit of such services as defined by Title VI of the Civil Rights Act of 1964.

WHAT IS TITLE VI?

Title VI is a section of the Civil Rights Act of 1964 requiring 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 subjected to discrimination under any program or activity receiving federal financial assistance" Note that Title VI does not address gender discrimination. It only covers race, color and national origin. Other Civil Rights laws prohibit gender discrimination or other forms of protected activity.

NCATA has reviewed the demographics in its service area and the demographics have not changed since 2014 when its original Title VI Plan (the "Plan") was adopted. However, this revised Plan is intended to acknowledge new services that may be available to NCATA's existing constituents.

NCATA'S TITLE VI COMPLAINT AND INVESTIGATION PROCEDURES

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 for alleged discrimination in any program or activity administered by the New Castle Area Transit Authority.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and NCATA may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file separate complaints.

- 1.) A formal complaint must be filed within 180 calendar days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints. An NCATA Title VI complaint form can be found at the end of this document. NCATA encourages individuals to submit Title VI complaints in writing using this form and mailing it to:

Title VI Coordinator
New Castle Area Transit Authority
311 Mahoning Ave.
New Castle, PA 16102

- 2.) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to NCATA Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and NCATA Title VI Coordinator will assist the complainant in completing a written statement.
- 3.) In the event of a case where the complainant needs assistance in coordinating the complaint process, but English is not the complainant's primary language, a service will be provided to provide language assistance in completing your complaint.
- 4.) When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) calendar days by registered mail or hand delivery.
- 5.) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided sixty (60) calendar days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- 6.) Within fifteen (15) calendar days from receipt of a complete complaint, NCATA will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) calendar days of this decision, the Transportation Director or his/her authorized designee will notify the Complainant and Respondent, by registered mail or hand delivery informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification shall state the grounds of NCATA's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 7.) When NCATA does not have sufficient jurisdiction, the Transportation Director or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
- 8.) If the complaint has investigative merit, the Transportation Director or his/her authorized designee will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Transportation Director within sixty (60) days from receipt of the

complaint. The report will include a description of the incident, summaries of all persons interviewed, and a finding with recommendations and proposed resolution where appropriate. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate authorities, and an extension will be requested. During the investigation process, a Language Service will be used, as necessary, to ensure that a complete investigation occurs, including the use of the service for any witness interviews.

9.) The Transportation Director or his/her authorized designee will issue letters of finding to the complainant and Respondent within sixty (60) days from receipt of the complaint.

10.) If the Complainant is dissatisfied with NCATA's resolution of the complaint, he/she has the right to file a complaint in the time allotted by law with:

Federal Transportation Administrator
Attn: Civil Rights Officer
1760 Market Street
Philadelphia, PA 19103

FTA Complaint procedures can also be found on the FTA website at www.fta.dot.gov. These procedure are also outlined in the FTA Circular 4702 1A, Chapter IX.

EQUITY ANALYSIS/COMMITTEES

At the current time NCATA does not have any contracted facilities that would fall within the provisions of Title VI. When, and if they do, have any contracted facilities NCATA will provide the Department with a Title VI analysis immediately and otherwise comply with the provisions that are required by Title VI.

At the present time NCATA does not have any non-elective committees. In the event that NCATA would ever form any non-elective committees NCATA will inform the Department immediately by depicting the committees broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees.

Plan will be adopted by the Board with a Resolution at the October 27, 2021 Board Meeting.